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Current History

THE MONTHLY MAGAZINE OF WORLD AFFAIRS

American Labor Problems

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DANIEL G. REDMOND, JR.

Editor:
CAROL L. THOMPSON

Assistant Editor:
JOAN L. BARKON

Promotion Consultant:
MARY A. MEEHAN

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University of Southern California

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July, 1959

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GOVERNMENT AND LABOR ABROAD

August, 1959

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As the world looks toward expanding industrialization, the problems of labor and government regulation of labor become increasingly important. This is the first of three issues focusing on labor organization. Here six articles discuss labor's role in American politics, wages and hours, corruption, prices and the role of consumer, welfare funds and automation. The first article in this study deals with the possibility that labor may some day "help to build a labor or a farmer-labor-progressive party."

Labor's Role in American Politics

By HARRY W. LAIDLER

Executive Director Emeritus, League for Industrial Democracy

IN MANY democratic nations, labor relies chiefly on labor and social democratic parties to help it to attain its political ends. In some countries—notably Denmark, Norway, Sweden, New Zealand and Israel—labor parties are the controlling forces in their respective governments. In other lands—Great Britain, Germany, Belgium, Japan, Australia, among them—they constitute the governments' chief opposition parties, while in still others, they play an important role in coalition governments. In every country of the world where the free trade union movement exists, it is striving to obtain better conditions for labor not only through the use of the economic weapons at its disposal, but through political action as well.

In the United States, labor has in general sought to exert political pressures on local, state and national governments through the instrumentality of the Republican and Democratic parties. Labor's political action in the United States has not, however, followed any one consistent pattern. In 1827, in fact, when organized carpenters, bricklayers, printers and others in the city of Philadelphia formed a central trade union council, known as the Mechanics Movement of Trade Asso-

ciations, they likewise organized a Working Man's party as their political arm.

During the next few years they agitated, through this party, for such immediate demands as the 10-hour working day, the abolition of imprisonment for debt, the weakening of the law of conspiracy against labor organizations, the enactment of a mechanics' lien law, and, most important of all, "an equal participation in education." "The original element of despotism," the Philadelphia workers declared in the days before the foundation of the public school system,

is the monopoly of talent which consigns the multitude to comparative ignorance, and secures the balance of knowledge on the side of the rich and the rulers. . . . This monopoly should be broken up and . . . the means of equal knowledge (the only security of equal liberty) should be rendered by legal provision, the common property of all classes. . . . Until the means of equal instruction shall be equally secured to all, liberty is but an unmeaning word, and equality an empty shadow.

The Working Man's party at first met with considerable success, holding the balance of power in the Philadelphia Trade Union Council. Scores of other labor parties sprang

up during the next few years in Pennsylvania and New York. But when the parties met with reverses, their members soon flocked back into the Democratic party, and these political arms of organized labor disappeared.

National Labor Union

The incipient trade union movement suffered severely from the depressions of 1837 and 1857. It was not until after the Civil War that, with the rapid industrialization of the country, it began to show promise of permanent growth. In 1866, immediately following the war, an attempt was made to organize trade unions on a national scale, and the National Labor Union was formed. One of its first decisions, it is interesting to note, was to call for the formation of a national labor party "to secure the enactment of a law making eight hours a legal day's work by the national Congress and the several State legislatures." Nothing, however, came out of this call for a party representing labor interests. Eight-hour leagues were established and labor in Massachusetts supported for awhile a rather successful state party, but, no workingmen's party on a national scale was attempted.

Third Party Movements

In the 1870's and 1880's, sections of organized labor were attracted to such third party movements as the Greenback and the Union Labor parties, while, in the mid-1880's, the Central Labor Union of New York joined with Greenbacks and members of the Socialist Labor party in support of the candidacy of the famous Single Tax leader, Henry George, for mayor. One of the trade union supporters of George, along with the members of the Knights of Labor, was Samuel Gompers. Later Gompers declared that, while political action had no appeal for him, he appreciated the movement "as a demonstration of protest."

During the campaign Gompers appealed to his fellow citizens to support "the new party of equal rights, social reform, true republicanism and universal democracy." When the votes were counted, George was credited with a higher total than Theodore Roosevelt, the Republican candidate, but second to Abram S. Hewitt, the Democrat, although many of George's supporters

charged that, in the absence of fraud, the Single Taxer would have been elected.

The Knights of Labor, which reached its zenith in 1886, continued its support of third party movements during the 1890's. The 1890 and 1894 conventions stated belief in independent political action on a national scale and urged cooperation with the People's party which allegedly represented the true interests of labor.

Influence of the A.F.L.

Labor's role in politics was increasingly determined after the 1880's by the American Federation of Labor. Samuel Gompers, its first president, in observing the rise and fall of the Knights of Labor, came to the conclusion that the failure of the Knights was due largely to its form of organization and the dissipation of its efforts and those of its membership on too many political and community activities. He favored the British form of craft union and believed that "the trade union was the immediate and practical agency which would bring wage-earners a better life." "Economic organization and control over economic power," he declared, "were the fulcrums that made possible influence and power that may be used for good in every relationship in life."

It followed, he asserted, that organized labor should not seek to build parties of its own, which would only divide the energies of the membership and lead to dissensions within the unions. Although in 1886, when labor parties were meeting with some success in New York, Chicago and Milwaukee, the convention presided over by Gompers urged "the most generous support to the independent political movement of the workingmen," the next year the A.F.L. leader strongly opposed the support of independent political action on a national scale.

Gompers furthermore believed that labor should oppose any effort to obtain from the state what the trade unions could get for themselves through economic action. Thus, he opposed legislation in behalf of a minimum wage, a shorter work week, old age pensions and unemployment insurance, among others. The American Federation of Labor under Gompers' leadership, during its early days, likewise voiced its opposition even to the discussion of politics in labor meetings.

"Party politics," read the clause inserted into the Constitution of the A.F.L. in 1895, "whether they be Democratic, Republican, Socialist, Populist, Prohibitionist or any other, should have no place in the conventions of the American Federation of Labor."

The following year the Convention voted that "no officer of the A.F.L. should be allowed to use his official position in the interest of either political party." His single purpose in urging this stand, President Gompers declared, was "to try and steer our craft of trade unionism clear from the shoals and rocks upon which so many of labor's previous efforts were wrecked."

Conditions which had led the Federation to take this hands-off attitude, however, began to change. Representatives of labor, without representation in Congress, often found themselves powerless to oppose effectively anti-labor legislation or to further the particular types of legislation the A.F.L. favored. They saw labor weakened by injunctions and anti-labor court decisions.

In 1906, the Federation decided, therefore, to take vigorous action in opposition to certain congressmen whom it regarded as particularly hostile to labor and, to wage an intensive campaign against the reelection of Congressman Charles E. Littlefield of Maine. Though Littlefield won, it was by a drastically reduced majority, and when the congressional votes in various parts of the nation were counted, it was found that six labor men had been elected to the House of Representatives.

During the next two years labor suffered numerous defeats at the hands of the law. The clause in the Erdman Act which aimed to prevent discrimination against union members and the Employer's Liability Law of 1906 were declared unconstitutional. The Supreme Court decided that boycotting could be punished under the provisions of the Sherman Anti-Trust law in the famous Danbury Hatter's case, and, in March, 1908, contempt proceedings were brought against Samuel Gompers and other officers of the A.F.L. for disobeying a sweeping injunction issued in the Buck Stove and Range case.

These and other decisions aroused labor to action against "government by injunction" and for the repeal or amendment of the Sherman Anti-Trust Law. The shibboleth,

"keep labor out of politics," gave place to the Federation's new determination "to stand faithfully by our friends, oppose our enemies, whether they be candidates for President, for Congress, or other offices, whether executive, legislative or judicial."

In the 1908 election, Gompers supported Woodrow Wilson and the Democratic party in acknowledgment of the party's labor plank, and the *American Federationist* published many columns in support of Wilson's candidacy, while a minority of labor leaders aligned themselves with the campaign of the Socialist candidate, Eugene Victor Debs. During his ensuing terms of office, Wilson had the continued support of a majority of the A.F.L. The Federation grew rapidly during World War I, and received a status in governmental agencies never before accorded American labor.

Unions Attacked

When peace came, however, labor became subject to bitter attack by the business interests of the country who took advantage of severe unemployment to launch an all-out campaign in behalf of the open shop under the title, "The American plan," aimed at the weakening or destruction of the trade union movement. Trade union membership decreased from about five million to three million.

The attacks on the labor movement, the corruption and inefficiency of the Harding administration, and the revolutionary disturbances abroad, had their effect on American labor, and demands were heard on various sides for more democracy in industry, for cooperative banking, for public ownership and democratic management of the railroads—the Plumb Plan—and for independent political action. With a view of giving to the common man in America "more power in the affairs of government and life," leaders of the Machinists, of a number of railroad unions, of the needle trades, and of socialist, farmer and progressive groups formed in the early 1920's a Conference for Progressive Political Action.

The Conference, under the chairmanship of President William H. Johnston of the International Association of the Machinists, met frequently in the next few years and, in 1924, issued an appeal to labor unions and

farm and progressive groups to select delegates to attend a convention in Cleveland, on July 4, 1924, to nominate a presidential ticket.

Delegates flocked to the convention from every section of the country. They adopted a program endorsing the demands of organized labor on injunctions and living standards, taking sides with the railroad unions in their disputes with the railroads, denouncing trusts and monopolies, advocating considerable public ownership, attacking the Supreme Court as an upholder of the *status quo*, criticizing the two old parties for their "imperialistic" ventures in the Caribbean and the Orient, and upbraiding the Harding administration for "corruption and malfeasance" in office. Robert M. LaFollette, Senator from Wisconsin, was nominated as the Progressive party's candidate for President; Senator Burton K. Wheeler of Montana, for Vice-President. Opposed to LaFollette was the Republican candidate, Calvin Coolidge, and the Democratic candidate, John W. Davis, attorney for the House of Morgan. In accepting the nomination, LaFollette predicted the birth of a new party after the November elections.

In the ensuing campaign, organized labor, with notable exceptions, supported the LaFollette-Wheeler ticket. Following the convention, the Executive Council of the A.F.L. voted its special approval of the candidates of the Progressive party for their steadfast stand in defense of the interests of wage-earners and farmers. Of the platform the council declared: It is "one in which the economic issues of the day are met in a manner more nearly conforming to labor's proposals than any other platform." The declaration, however, avoided the endorsement of the party itself. The Progressive candidates received nearly 5 million votes, almost 17 per cent of the total.

Demise of the Progressive Party

Many felt that this vote constituted a sufficient basis for a permanent new party. However, no strong political organization was built up during the campaign. Senator LaFollette, a dynamic leader, became ill, his illness leading to his death on June 18, 1925. After the campaign, the railroad unions settled many of their difficulties with the

companies, and the country entered a period of comparative prosperity. The Conference for Political Action held its last meeting in February, 1925.

A few months earlier, in December, 1924, the A.F.L. had lost its foremost leader, Samuel Gompers, who had presided over the destinies of the Federation, with the exception of one year, since its organization. Gompers had served the labor movement with great ability, courage, dedication. He had, however, failed sufficiently to realize that the rapid technological and social advances in America demanded drastic changes in the structure of trade unions and far greater reliance on labor and social legislation as a means to economic security and better living standards.

President Gompers was succeeded by William Green, former secretary of the United Mine Workers Union who, though a less forceful personality than his predecessor, as an officer of an industrial union possessed a greater realization of the merits of the industrial form of organization. Nor did he feel so antagonistic as did Gompers to social legislation for labor's protection or to those who, in former days, had urged types of political action opposed by the A.F.L.

Lethargic Era

Most of the remaining years of the 1920's were years of comparative prosperity—years of the so-called "New Capitalism," during which labor was promised "two chickens in every pot" and "two automobiles in every garage." They were years of lethargy and decreasing membership in the labor movement and, while many labor leaders in the 1928 campaign rallied to the support of Alfred E. Smith, and the A.F.L. for the first time went on record in favor of old age pensions (1929), little occurred of note in labor political action.

The next decade witnessed drastic changes in labor's attitude toward social legislation. In 1931 the Executive Council of the A.F.L. still showed hostility to a government system of unemployment insurance, describing it as "a dole . . . unsuited to our economic and political requirements." The economic situation, however, continued to grow worse. Unemployment began to soar toward a peak of 15 million. Trade union unemployment

funds became exhausted. Tens of thousands faced virtual starvation. Labor denounced President Hoover for his failure to end the depression.

Labor Becomes Political

Most of the officers of organized labor supported Franklin D. Roosevelt for president in the 1932 campaign. They likewise supported the whole complex of social legislation which he introduced to strengthen labor and stabilize the economy, thus utterly abandoning the obsolete political philosophy of their first President. Most important, they took advantage of Section 7A of the National Industrial Recovery Act to push with unexampled vigor an organizing campaign resulting in a five-fold increase in their membership.

The newly organized industrial union wing of labor also developed far more effective techniques of political action than labor had ever before attempted. When this wing split away from the main house of labor and founded the C.I.O., it formed within the new federation a Labor's Nonpartisan League, which later grew into the C.I.O. Political Action Committee (1943). This committee began to "utilize public relations' techniques on a scale and of a kind completely unprecedented in American political action." In the 1944 campaign it printed 85 million copies of campaign literature, and conducted its educational work through departments devoted specifically to students, women voters, the Negro, the churches, the press, the radio, and so forth. Individual unions were also encouraged to hold mass meetings, insert newspaper ads in their local papers, distribute literature, conduct house-to-house canvassing, get out the vote.

In 1947 the A.F.L. organized its own political committee—the Labor League for Political Education—to perform tasks similar to those of the P.A.C.-C.I.O. Both organizations worked at fever heat in the 1948 campaign for the reelection of Democratic President Harry S. Truman and had much to do with its outcome—a startling surprise to most political prophets.

During the 1930's and the 1940's labor as a whole gave little thought to independent political action on a national scale, although many state labor parties were formed, for

example the Farmer-Labor party of Minnesota became the dominant party in that state. Labor continued its support in Milwaukee, Wisconsin, of the Socialist candidate for mayor, and in 1936, the New York State American Labor party was formed by supporters of President Roosevelt, in large part in the belief that many would vote for Roosevelt under a Labor party emblem who could not be induced to vote for a Democratic candidate in the Democratic column.

From the time of its organization in 1936, the Congress of Industrial Organizations regularly endorsed the Democratic candidate for President. It was not until 1952, however, that the American Federation of Labor in convention assembled gave its official endorsement to a candidate for President of the United States. In that year the A.F.L. broke its traditional policy and officially endorsed Democrat Adlai E. Stevenson.

Before the next presidential election, the A.F.L. and the C.I.O. merged into the A.F.L.-C.I.O. (December 5, 1955). In its Constitutional Convention it organized as one of the Federation's important committees the Committee on Political Education (COPE) "to meet the need for sound political education" and to "encourage workers to assume their full rights and responsibilities of citizenship."

On the subject of labor's allegiance to any one political party, the Committee's resolution, carried by the Convention without debate, read:

We reaffirm labor's traditional policy of avoiding entangling alliances with any other group and of supporting worthy candidates regardless of . . . party affiliation. We will cooperate wherever feasible with other groups which have the same ideals and aims as our organization but we seek neither to capture any organization nor will we submit our identity to any group in any manner.

Delegates to this convention and later the A.F.L.-C.I.O. Executive Council spelled out the legislative program of the merged organization—a program that was a far cry from that urged in the early days of the A.F.L. Included in labor's demands were strengthened minimum wage laws, liberalized systems of old age pensions and unemployment insurance, a national health insurance system, elimination of the inequities in the Taft-

Hartley Act, adequate federal aid to education, a greatly increased program of decent housing—public, cooperative and private—for lower and middle income groups, extension of cooperative and public power, conservation of natural resources, a program for distressed areas, a relaxation of credit policies, a more equitable tax system, equal civil liberties for all irrespective of race, creed or national origin, and a democratic international program. When the nation in 1957 faced another period of recession, the A.F.L.-C.I.O. urged a comprehensive program for full employment in an expanding economy.

During the last few years, while supporting the candidates of the two major parties, leaders of organized labor have frequently made it plain that, if they did not believe that either party's present policy best served the interests of labor, they might well help to build a labor or a farmer-labor-progressive party. On December 9, 1958, in an address before the newly merged New York State A.F.L.-C.I.O., President of the A.F.L.-C.I.O. George Meany (Green's successor) declared that the passage of the Taft-Hartley Act had made labor more conscious of its political role and had led to a reevaluation of that role and a decision that letters of endorsement to political candidates were not enough. As for the future, he declared, labor "is going to be just as political as it has to be to win its objectives":

If labor has to go further than it can through its Committee on Political Education to make America a better place in which to live, to make America the leader of the democracies of the world, we will take the next step if it is forced upon us.

I have always said we do not want our own political party, but if we have to do that to lick the people who want to drag us back to the past, we will start our own political party and do a good job of it.

If labor [he added] ever became so class conscious as to go out and work in the political field, we would hold the balance of power in elections. We have certain advantages that even the political parties do not have.

Contrasting business' and labor's potential contributions to political action, President Meany added, "They [business] have got the money, and we have the people." President Meany's statement is similar to one he made in 1955, when he declared: "If the NAM

philosophy to disfranchise the unions is to prevail, then the answer is clear. If we can't as unions defend our rights then there is no answer but to start a labor party." It is similar to President William Green's statement before the 1935 Convention of the A.F.L. when, opposing the formation of a labor party, he asserted that the Federation would declare itself

in favor of independent political action. . . when the crystallized opinion of the workers indicates that they believe that their interests can better be served through such action rather than through the pursuit of non-partisan political action.

Against A Third Party

At present the vast majority of labor leaders do not indicate that belief. In opposing the formation of a labor party, some point to certain concrete legislative achievements under their so-called non-partisan policy, and to the difficulties of organizing and maintaining an independent party in a country as vast as the United States, as shown by the former failures of third party movements. Some fear that an independent party would create greater hostility between business and labor, would antagonize sympathetic leaders of the two major parties, would lead to frictions with the union movement and would "further fragmentize our society." It would be hard, furthermore, to get the necessary support from liberals when charges of corruption in the ranks of certain powerful labor organizations are being so widely publicized.

Students of third party movements further emphasize the fact that, whereas abroad, in a national election, members of labor and other third party movements concentrate on the election of their legislative candidates and evaluate their success or failure in terms of the increase or decrease in the number of the parliamentary candidates elected, in the United States attention is concentrated largely on the size of the electoral votes for president. When election day comes around, many third party supporters decide to desert their party and vote for the presidential candidate of the less conservative of the two major parties, to support "the lesser of two evils," and thus to help to prevent the electoral vote of their state from swinging to the

"worse of two evils." The resulting low vote for president on the third party ticket serves as a source of discouragement to its supporters and may herald the demise of the movement.

For A Third Party

The supporters of a labor party argue that, as in Great Britain, such a party would be a powerful educational force in the political life of the nation. Its supporters would be in a position to use all the facilities available to them in a campaign to educate the people on the full political program of labor.

A labor party, they maintain, would do much to clarify political issues and to raise political discussion to a higher level. It would force the old parties to adopt many of labor's proposals in order to prevent desertion from their ranks. It would utilize more fully the talents and energies of many trade union members whose activities in the union consist of little more than paying dues. It would, as abroad, bring into the service of labor many of the country's finest and most dedicated intellectual leaders as organizers, writers, speakers, researchers, administrators, and so on. It would bring about a better understanding between the people of the United States and other lands. And it would bring into the political arena for discussion and action many issues of fundamental social change which are now ignored by the two major parties.

Supporters of a labor party likewise contend that labor is in a better position to build such a party than it has been in the past. It has a far greater membership than it had during the LaFollette campaign. Its leaders have a better understanding of domestic and international issues, and a clearer concept of the path to democratic social change. It possesses greater financial resources, a wider concept of the techniques of political educa-

tion and organization, and is closer to community groups.

While no substantial efforts may be expected in the near future to organize a labor or a farmer-labor-progressive party on a national scale, no one can predict the future with certainty. Everything depends on the nature of the problems which our rapidly changing technological civilization will bring, and on the ability and willingness of the Republican and Democratic parties to present constructive solutions to these problems.

Many forces in labor are now irked by the frequent alliances between anti-liberal forces in the Republican party in the North and the Democratic party in the South, with a view to defeating labor's legislative demands. Today they are particularly critical of the failure of many in both parties to revise the Taft-Hartley Act, to give work to the unemployed, to abolish the slums, to end racial discrimination and to provide adequate funds for education, health services and economic aid to underdeveloped countries. If the lag between labor's demands and the old parties' response to those demands continues to widen, the call for independent political action may well become increasingly vigorous.

Harry W. Laidler, a director of the National Bureau of Economic Research and the National Housing Conference, is a leader of the Socialist movement in America. Socialist candidate for governor of New York in 1936, he also ran for United States Senator in 1938. His books include *A History of Socialist Thought*, *Our Changing Industrial Incentives*, and *A Brief History of Socialism in the United States*.

"Unemployment of such magnitude, at a time when business has largely recovered from last year's slump, constitutes a grave symptom of economic stagnation and blight. It confirms our repeated warnings. Time and again we have pointed out that because of population growth and the rapid development of automation, our gross national product, the total of national production, must increase at least 5 per cent a year to provide enough jobs for all willing and able to work."

—George Meany, President of the A.F.L.-C.I.O., an address delivered March 2, 1959.

"Today," notes this specialist, "labor is increasingly turning 'middle class' in its orientation. As consumers, its members are surrounded by a fabulous volume of goods, and by constant, unremitting exhortations to buy. In an age when it is almost un-American not to live beyond one's means, the consumer needs guidance and protection as he has rarely needed it before in our history." Can the unions provide this guidance?

Organized Labor and the Consumer

BY COLSTON E. WARNE

Professor of Economics, Amherst College

THE organized labor movement of the United States has made impressive advances in the past two or three decades. American trade unions, through the collective bargaining process, have brought about a substantial increase in the income of working men and women. Vacations with pay, a rarity just a few years ago, are now part of the American way of life. Fringe benefits too numerous to mention decorate thousands of union-management contracts.

Areas of activity which an earlier generation of trade unionists considered no part of their business have become very definitely a part of the business of today's union. Co-operative housing projects, once the subject only of rather timid exploration by the garment and clothing workers' unions, are now a common pattern; scores of unions, in various parts of the country, have invested either their treasuries' money or the money of health and welfare funds in low-rent and medium-rent apartment dwellings.

Before the war, leaders of most unions complained about the high cost of medical care but did nothing very substantial about the problem. Today health and welfare plans have made at least a start in the direction of providing decent medical, hospital and surgical care for union members. In a number of cases unions—sometimes alone, sometimes in cooperation with employers—have opened medical and dental clinics to provide an even greater measure of low cost medical care. This type of development provides a welcome effort by pragmatic unions to do something constructive about

the very real problems which their members and their trade union organizations face in this complex middle twentieth century. Such care, once looked upon as too idealistic, or too difficult, or outside the normal field of activity of the trade union, has become a standard which occasions no surprise and produces great benefits.

The changing times which we witness today suggest new challenges for the trade unions in an arena which we can broadly describe as one of consumer orientation. In meeting these challenges, in searching for the same sort of pragmatic solutions which unions have found for their other problems, the labor movement has in recent years been devoting more of its thinking and more of its great energy to helping the union member in his role as a consumer, as it had previously done for his role as a producer.

Organized workers, like other consumers, have been compelled to face one distressing fact. America seems to be rapidly approaching the time when a fifth freedom needs to be enunciated—the right to be free from manufacturer-pegged prices which limit

Colston E. Warne has been President of Consumers Union of the United States since its formation in 1936. He is Chairman of the Board of Editors of *Labor in Post-War America* and author of *Industry-Wide Collective Bargaining—Promise or Menace?* among other books, and is a contributing editor of *Current History*.

competition in the market, free from the harassment of high-powered advertising and salesmanship, free from phony credit terms, free from false packaging and deceptive weight, free from ten cent drugs blown up to a dollar by nauseating commercials, free from nondescript additives and preservatives designed for the seller's benefit rather than consumer utility and, most of all, free from the annual model racket which has become but a phase of planned product obsolescence.

In today's America of the hard sell, salesmanship and advertising have become ascendant. Our central problem is not how to make goods; it is how to develop a gimmick to get rid of them at ever-more inflated prices. The industrial worker is in a fair way to be vastly outnumbered by the service trades and by the manipulators of human desire—the clerk, the salesman, the packager, the lithographer, the salesman—and, of course, the repairer. Our television shows seem the almost exclusive property of circus pitchmen.

Trade union members are a significant part of the consuming public; and, accordingly, union leaders have increasingly given thought to the role of the consumer in American life and to the steps which may be taken to improve the status of labor as consumer. This concern with consumer problems is reflected in many ways: in the role, steady but not spectacular, of the consumer cooperative movement; in the rapid rise of the consumer testing movement; and in many other manifestations of growing concern about the quality, the design and the pricing of the products which are offered to consumers. During World War II and during the Korean conflict, the imposition of price and wage controls to stem inflationary pressures faced union leadership with the problem of maintaining the purchasing power of wages. Participating in Washington agencies and especially seeking price control mechanisms so that wages would not be eroded, union leaders came to have a new appreciation of the role of the trade unionist as consumer. With the notable exception of John L. Lewis, who scorned all such control devices, labor maintained, on the whole, an excellent record of support of the stabilizing efforts.

As far as the trade union movement is con-

cerned, today it faces a host of problems that suggest an even greater future orientation toward the problem of the consumer. For one thing, longer term contracts, of three and five years duration, tend to give union officers more time to devote to non-wage matters. Secondly, the almost constant rise in prices works hardships on workers, even those protected by escalator contracts. Thirdly, and by no means least significant, the character of the American working force is obviously undergoing change. Government statistics show that for the first time the white collar worker outnumbers his brother in the blue collar category. Already trade union leaders are noticing the effect of this sociological change on their organizations. Scarcely a day passes without a reference to the need for appealing to and organizing the white collar workers, a group which with a few exceptions has hitherto not been noticeably cordial to the invitations of union organizers.

New approaches, as many trade union leaders are now saying, will be necessary to appeal to these white collar workers; and, dealing with a group whose incomes have been eroded by inflation, renewed thinking about the problems of the consumer and new efforts to involve labor unions in consumer matters seem essential for the unions themselves. Clearly if unions can become interested in such seemingly "unorthodox" activities as health and housing, vacations and old age centers, they can, and should, become increasingly interested and concerned with the problems of their members as consumers. Furthermore, the benefits will prove as tangible as those which unions have experienced in the various fringe fields.

Still another reason exists for the vital interest of labor in the consumer front. At the present time, factory production costs are coming to bear a more and more tenuous relationship to the finished prices of articles. Yet the public relations agencies of business, fortified by dubious economic reasoning, have conspired to place the blame for administered price increases squarely upon the shoulders of the unionized industrial worker who is painted as the ogre behind so-called "wage-push inflation". This allegation conveniently ignores mounting sales and promotional expenses. Indeed, for not a few arti-

cles, the distributors' margins nowadays tend to overshadow the initial factory outlays for labor.

If labor is not to carry the blame for the whole skein of administered price practices, it must of necessity enter the consumer field and learn something about marketing practices—and be concerned about them. Moreover, by such concern, labor is coming into a position to assist its members by helping to increase the buying power of wages.

Rising Prices

Since 1950, consumer prices have on the average advanced by nearly a quarter. More than half of this rise was triggered off by the Korean war. Since 1956, however, the index has again nudged upward to an all-time high, bringing warnings of impending drastic inflation if the trend cannot be speedily reversed. Yet despite the alarm, the actual consumer price increase from December, 1957, to December, 1958, was only 1.7 per cent, a much smaller rise than in the two previous years. Underlying all this heated debate over inflation are two basic issues; the first (which need not concern us here) is that of the appropriate level of government income and expenditures. The second is whether unions are guilty of "wage-push inflation" and by excessive demands are leading us down the royal road to disaster. It should be recalled that some 4,400,000 workers are now under escalator clauses in which wages rise automatically with living costs; moreover, that some 2,900,000 will receive additional increases this year, stipulated in earlier contracts. Moreover, this summer will witness a pivotal struggle with the expiration of the steel agreement. In the minds of many businessmen, the pattern-setting effect of steel wages may well bring on a wage-price spiral, with disastrous consequences. In his 1959 Economic Report, President Eisenhower admonished union leaders that "their economic actions must reflect awareness that stability of prices is an essential condition of sustainable economic growth."

The trade union movement, stoutly denying any inflationary responsibility, has repeatedly expressed its deep concern over the erosion of living standards, the reduction of fixed incomes, and the reduction of incomes

consequent upon inflation. In a recent statement, it affirmed: "As prices have continued to move up under a Republican administration, big business groups have looked for a new scapegoat in order to shift attention away from their own role in raising prices. Lo and behold, to no one's surprise, they have singled out unions. . . . Organized labor opposes inflation and those policies and practices which encourage it."

The central issue at stake in this dispute is whether trade unions have been the culprits in undermining the stability of the dollar through excessive preoccupation with rising wages. Let us review the evidence:

1. Labor insists that the insertion of cost of living escalator clauses in union contracts has reflected a tardy attempt to catch up with price rises; it has not been an effort to initiate such rises.

2. Labor repeats the evidence presented by the United States Bureau of Labor Statistics to the Joint Economic Committee which compares the increase of average hourly compensation in constant purchasing power (including pensions, hospitalization and other fringe benefits) with the increase of worker productivity. Between 1947 and 1957, the real wages of all workers in the United States went up 35.2 per cent and did not quite keep pace with the rise of real product per man hour, which mounted 37 per cent. Thus, says labor, even though workers on the average gained 35.2 per cent in the buying power of their wages during the decade, they were only moving forward by approximately the same amount as the rate of production advance of the economy. They were not contributing to any inflationary spiral.

3. Labor states that wage costs per unit of product during the same decade tended rather consistently to lag behind prices, as indicated by the Bureau of Labor Statistics. As *Business Week* puts it, this lag occurred "particularly in those years when the inflationary heat was most intense."

In recent testimony before the Joint Economic Committee, Professor Seymour Harris of Harvard University does not entirely absolve the trade union movement from responsibility for the inflationary drift. He does, however, throw considerable light upon the increasing spread between raw material

prices and the prices of finished goods. Drawing upon a study by Ruth Mack of the National Bureau of Economic Research, Professor Harris points out that, during the last decade, marketing, developmental and administration costs have pyramided. Excerpts from his testimony follow:

... There has been a campaign, supported to some extent by the administration and also by many others inclusive of eminent journalists, that labor is responsible for the inflation. I think myself that the contribution of labor to the price rise has been greatly exaggerated.

It must be realized that any increase in wage rates is to some extent offset by a rise of productivity. It has even been claimed that to some extent capital has absorbed the rise of wages. This absorption, however, has not been on a large scale. But perhaps what is more germane is to point out some evidence produced by the Department of Labor in June, 1958.

With 1947 as 100, the Bureau of Labor Statistics ... pointed out the following for 1957:

(1947 = 100)

Wages and salaries per dollar of real product (1957)	130.6
Nonlabor payments per dollar of real product ¹	129.9
Average hourly wages and salaries	166.9
Average hourly compensation in constant purchasing power	135.2
Average hourly wages and salaries in constant purchasing power	132.8
Real product per man-hour, all persons, total private sector	137.0

... Miss Mack ... has shown that labor is not primarily responsible for the rise of prices. Between January of 1947 and the 1956 or 1957 high point she writes in the committee's compendium (p. 130):

"... Spot market prices fell by 10 per cent of their 1947-49 average, crude materials rose by 16 per cent, and all manufactured goods rose by 34 per cent. ...

"Labor cost does not explain these divergent trends. Between 1947 and 1957, according to the indexes prepared by the staff of this committee (Joint Economic), labor cost increased about 15 per cent of its 1947-49 average. In other words, the cost of labor and the cost of crude materials rose at about the same rate, and both rose substantially less than did the prices of manufactured goods.

"... What, then, is the explanation of the divergent trends? It does not lie primarily, of course, in bulging profits. Rather it must be found in the increasing amounts of fabrication to

which materials are submitted, increased marketing costs, increased administrative costs, costs of research, of insurance, of development. These shifts in products and in cost structure thrive in the general atmosphere of the times. Many of the emphasized costs are of the overhead or burden type. There is a widespread belief that the strong upward trend in demand is truly durable. This weakens usual fears of saddling a business with heavy overhead-type costs. ..."

Some of the more farsighted leaders of organized labor have not been content to seek to refute charges of inflationary wage trends. Instead, influenced by Leon Keyserling, formerly Chairman of the Council of Economic Advisers, they have called attention to the widening gap between the production potential of the nation and the actual output, and have proclaimed that "the consumer is the key in 1959." As Walter Reuther of the United Automobile Workers Union has declared:

An improved balance is needed quickly between the economy's ability to produce and its ability to consume. Consumer buying power must be raised sufficiently in the months ahead to provide the basis for a substantial increase of consumer purchases of goods, services, and homes. Government policies must encourage balanced economic growth, rather than discourage expansion toward full employment and full production.

... Employment in the United States is less than it was three years ago. ... Even after some industrial recovery, approximately 22 per cent of the nation's productive capacity still stands idle.

Tens of billions of dollars of goods and services that could and should have been produced have been lost in the last year alone. Over the past 5 years, the difference between what our halting economy has actually produced and what we could have had with full production, full employment, and full realization of our potentiality for growth, would come to substantially more than \$200 billion. ...

A boost in consumer buying power is needed for 1959. It is unrealistic to expect a substantial rise in consumer spending—particularly for hard goods and homes—while the buying power of per capita after-tax income is less than it was more than 2 years ago.

Wage and salary increases and a reasonably stable price level are essential in 1959. With profits rising rapidly from the recession low

¹ Obviously, the nonlabor contributions to inflation have been relatively just as great as labor's.

point in recent months, there can be no rational reason why substantial wage and salary increases cannot be granted, without raising living costs.

Consumer Orientation

Accompanying this growing concern for high-level consumption as the key to full employment, the trade union movement has recently embarked upon a new program of consumer-oriented activities. What kind of activities are embraced in this program?

First of all, the area of consumer education. The A.F.L.-C.I.O. Community Services group has recently been taking a number of steps to implement its authorization from the A.F.L.-C.I.O. Executive Council to operate in the consumer education field. Discussion outlines and practical guidance for community service councils are being prepared and used. These discussion outlines include "how to buy" information, education in the field of installment buying and consumer credit, and education about the cost of securing adequate medical care.

In New York City, for example, the Metropolitan New York Consumers Council has recently been formed with the cooperation of trade unions, credit unions, cooperatives, settlement houses, Consumers Union and the American Labor Education Service. The chief purpose of this new consumer council is to provide the organizations with a joint meeting ground, with spokesmen to coordinate the work on behalf of consumers, and with a clearing house for information. Specifically, the new council will do research on consumer issues and give expert appraisals of the effect on the membership of such problems as rising living costs, utility rates, credit and installment frauds, as well as information concerning such basic necessities as housing, medical care and milk. The council will appraise the effects of new developments such as trading stamps and fair trade legislation. It will present the consumer viewpoint on such problems at legislative hearings before state and local governments and official rate-making bodies such as the State Insurance Department and Public Service Commissions. It will encourage consumer programs in state and municipal governments. It will assist in educating wage earners in family financial management for the protection of living standards and will seek to aid workers in getting the most for their money.

Trade union papers and trade union radio shows have increasingly tended to publicize news and feature material as a phase of this consumer program. The popularity of the consumer columns in labor papers is evident. Radio programs, like those of the U.A.W. and the I.U.E. have also carried considerable consumer material.

A second area for union consumer activity lies in the field of legislation. Many unions have long supported legislation designed to improve the status of consumers, but until recently, they have rarely taken a very active part in these legislative battles. There are indeed many legislative areas in which unions can participate and where successes will have a double advantage: first, to win benefits for their member-consumers; and second, to demonstrate to the public, including potential members of the labor movement, that union activities are not self-centered but are devoted to the interest of all the people. Two such issues come to mind at once—opposition to "fair trade" laws and to tariffs.

Trade unions are also evincing a greater interest in stopping the persistent rackets that flourish in the loan shark business; in the packing of scandalous extra charges and fantastically high interest rates into consumer credit; and in the various malpractices that swarm around installment buying, like bees attracted to honey. Most of the people who are hurt by these malpractices, or whose mode of life is seriously affected by exorbitant interest or service charges, are either trade union members or potential trade union members. It should be as essential to protect members from these malpractices as it is for unions, through honestly-conducted union health and welfare funds, to protect members from the ravages of ill health and heavy medical bills.

Another field for union legislative interest lies in the agencies established by the United States government to help the consumer. The Federal Trade Commission, the Food and Drug Administration, the Home Economics Division of the Department of Agriculture and indirectly the Bureau of Standards are just some of these agencies. If adequate consumer protection is to be given, organized labor must spend time and money battling for their appropriations, protecting

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"Automation produces new problems in collective bargaining," warns this labor authority. He finds that neither labor nor management questions "the assumption that 'more' [is] the answer to the problem of automation," and notes that "Labor, like most of the rest of us, has accommodated itself to the 'built in gyroscope' of defense expenditures."

Labor and Automation

BY KERMIT EBY

Professor of the Social Sciences, University of Chicago

IT so happened that I was in Antioch College conducting a labor institute when the Japanese phase of World War II ended. Almost simultaneously the contracts of a great plane producing company were cancelled by the government. Between five and six thousand workers found themselves facing an uncertain future. They decided to have a meeting to discuss their possibilities. Since I was in the neighborhood and was their Research and Education Director, it was only natural that I was invited to speak to them.

On the night of the meeting every seat was taken, and the wall aisles and exits were jammed with standees. Frankly, I didn't know what to say. I began my speech by bringing them the good wishes of Mr. Murray, Mr. Carey, Mr. Haywood, all the C.I.O.

brass; and continued by suggesting that a grateful nation appreciated their contribution to the "saving of democracy." Then I went on to say that such a magnificently equipped plant could be converted to fabricating houses, or making baby carriages. "If we can produce gun carriages, we can produce baby carriages."

At about this point, just as I was declaring our need for both, a worried brother jumped up and yelled, "Point of order, Brother Eby." I tried to out-shout him and ignore his point. After his third try, I gave up and inquired, "What is your point of order Brother?" To which he replied, "What am I going to do on Monday?"

Now the entire dilemma of the labor movement is focused on the brother's question. It cannot center its attention on the glorious promises of tomorrow, with its automatist world, limitless production and endless leisure. There are problems, and no discussion is relevant which ignores these problems. Automation is not an academic theory to those responsible for leading labor and those affected by it. It is an ever present disturber of existing relationships in employment, contract, productivity and economic expectancy.

The most paradoxical fact of the present moment is continuing economic pickup and continuing unemployment centered in the industrial parts of our economy. "It is not," as an editorial in the March 14 issue of *Federation News* (Chicago) declares,

the figure—about five million—which is cause for alarm. It is the fact that so many industries are reaching their normal levels of production

Kermit Eby has taught at the University of Chicago since 1948. Earlier, he was Executive Secretary of the Chicago Teachers Union, 1937–1942, Assistant Director of Education of the C.I.O., 1942–1945, and C.I.O. Director of Education and Research, 1945–1948. He served on the national advisory committee for Reorganization of Education in Japan in 1946, and on the national commission for U.N.E.S.C.O. at the Paris Conference in 1947. He is the author of pamphlets and articles on labor and of *The God in You* (1954), *Paradoxes of Democracy* (1956) and *For Brethren Only* (1958).

with far fewer workers, and the service and retail trades are not absorbing the laid-off workers to the degree they formerly did. This means that unless some decisive action is taken by the federal government, three or four million workers will be on the outside looking in.

Then the editorial continues by quoting a Federal Reserve economist, "that it was due to a cluster of localized problems." For example: Michigan, because of autos; Pennsylvania, because of steel, coal, and railroads; Massachusetts, Maine, Rhode Island, because of a variety of hard goods industries; West Virginia, Montana, Colorado, and Minnesota, because of a down-swing in mining; and California, because of shifts in defense and aircraft production. Translated, this means 180,000 jobs have been wiped out in autos, 101,000 in steel, 72,000 in refining, and so on.

The situation is serious indeed. Besides being a tragedy for those persons socially involved, it is a challenge to the survival of the labor movement, as it is now constituted. "The significant trend," as Everett Kassalow, a research director of the Industrial Union Department of the A.F.L.-C.I.O., said in a speech,

in the American economy, in the past decade or so has been the increase in the proportion of the white-collar workers. In 1947, for example, blue-collar workers numbered about 23.5 million as compared to approximately 20 million white-collar workers. By 1957 the number of white-collar workers actually surpassed the blue-collar force, as the relative figures stood 25.5 million and 25 million.

Mr. Kassalow continues,

between 1947 and 1957 professional and technical workers increased 60.6 per cent and the clerical workers increased 22.8 per cent; during the same period the number of factory operatives increased 4.4 per cent, while the number of laborers went up 4.1 per cent. In manufacturing alone, non-production workers, as a proportion of the employed, went from 16 per cent in 1947 to 25 per cent in 1957.

These facts could be spelled out in specific industries; however, for our purposes it isn't necessary. "It means," Mr. Kassalow insisted, that the above "is a result of the great increase in the number of laboratory specialists, technicians," individuals with advanced technical knowledge. Automation,

the product of technological change, is now producing a situation in which the labor movement must shift the base of its organization efforts from industrial workers to technicians, clerks and other white-collar workers. "Otherwise," Mr. Kassalow concludes, and rightly,

given the present trends, as the blue-collar force actually declines in the great industries, organized labor would be lucky to maintain its membership level of seventeen or eighteen million over the next decade. Over this same period, the labor force itself would be expanding by nine or ten million.

By that time it would be clear that organized labor had become a very diminished minority in the United States. It would also be a diminishing social force in the United States.

Unemployment

Technological change leads not only to shifts in the labor force but to shutdowns and relocations. Company after company has decided that the older plants are not suited for the new processes and new machinery. These shifts from the old to the new have their unemployment effects. So long as we were in a boom period, the results were not so serious. However, if we can trust the remarks of an executive from one of the giant corporations, in an interview by Sylvia Porter, a syndicated columnist:

Sure we expect better business and our sales are going up. But while we are producing more than at this time in 1958, we are doing it with thousands fewer on the payroll. It's really amazing how much we were able to tighten up on costs in 1957 and 1958, and how handsomely our more efficient plants and machinery are paying off.

The executive continued by saying he would rather pay over-time than to take on new men. When Miss Porter gulped, and replied, "Granted that it makes sense on the balance sheet," she also asked him if he felt no responsibility to the unemployed and new workers. He didn't gulp when he answered:

It is not the responsibility of the individual corporations to employ more than we need, nor to guarantee full employment at all times. It is my responsibility to my corporation to try for maximum production and for a maximum, although reasonable profit.

Miss Porter concluded, "This is, then, a

straight unvarnished, ungimmicked explanation why unemployment continues." All I can say is I agree, and am grateful that the labor movement, undoubtedly influenced by mixed motives, transcends the indifference in much of government, and the callousness of corporation leadership.

Perhaps the answer to the dilemma of a revival of production without a corresponding revival of employment is not too hard to find. It may be that the American economy has achieved an over capacity. Certainly, there are indications that we are pricing ourselves out of large sections of the world market. Still, these facts are not directly related to our problem of labor and automation.

So far we have stressed two points: (1) the contemporary prevalence of unemployment, centered in the industrial section of the labor force, and (2) the tendency on the part of the economy to pick up without absorbing those unemployed. There is, of course, the auxiliary moral problem of where responsibility for the five million unemployed rests. Now, let us look at the automation question from labor's point of view.

Whether organized or as individuals, workers have always faced the introduction of new machines with fear. Machines have replaced and still do replace men, and though social scientists and labor leaders speaking like social scientists can construct theories which prophesy a painless process of less sweat and toil, higher output, reduced prices, new jobs, a higher standard of living, and more leisure, in practice it seldom works out this simply. Resolution No. 170 of the second constitutional convention of the A.F.L.-C.I.O. in 1957 catches the mood:

These new methods and tools for producing and distributing goods and services can be a blessing. They make it possible to increase productivity, to improve living conditions, and to reduce hours of work. A vast new potential for a richer life and increased leisure is unfolding before us, as these new and improved production techniques come forth from the laboratories and drawing boards.

The new technology is neither good nor bad in itself. It represents a potential for human advancement. It likewise represents a challenge to human wisdom, *since rapid technological changes inevitably create a multitude of social*

and economic problems. If the new technology is misused, it can result in large scale unemployment and serious dislocations of our entire society.

Joseph Beirne, President of the Communications Workers of America, a group most significantly affected by automation, quoted in October, 1956, the findings of the American Forum:

The progress of technology cannot be halted. Automation must come. It is essential that a common objective must be established between management and workers, so that full advantage may be taken of what automation offers. With these conclusions the Communications Workers are in full agreement. For ourselves we welcome automation because we see it as a lever for higher wages, longer vacations, shorter hours, and ultimately greater security for ourselves and the American people.

According to Mr. Beirne, the trouble lies with management. The sharing of the benefits are not automatic. Labor must continue its struggle.

Albert Whitehouse, Director of the A.F.L.-C.I.O. Industrial Union Department, put all of organized labor's worries in his opening address for a conference on automation and major technological change, held under the auspices of the Industrial Union Department of the A.F.L.-C.I.O., April 22, 1958. He begins by quoting the increase to \$16,000 from \$14,800 of capital investment in each production worker from 1956 to the present and stresses the expansion of investment,

in more complex and automatic machinery, including highly automatic equipment. This is a period in which the number of production workers should have increased, but the contrary was true. There was a drop of two per cent in the number of industrial workers.

The day when one hundred thousand is invested in each production worker may be a day when we need few production workers. Such would be a gloomy day indeed.

Mr. Whitehouse continues by proclaiming,

Only yesterday the experts predicted that automation would create more jobs than it eliminated. Also increase production, and higher living standards, more skilled jobs and higher wages for the displaced.

He then concludes,

It is time to point out that automation and the other technological changes have failed to bring

automatically those things promised so blithely. Where are the greater numbers of highly skilled jobs? Where are the lower prices? Where are the jobs for everybody that were virtually guaranteed us?

Admitting that he is not an economist, Mr. Whitehouse summarizes what he believes to be the responsibilities of unions. Of course, they, particularly the white-collar workers, must organize. Simultaneously, we must meet the problem of overproduction and underconsumption by fighting for higher wages and fewer hours of work. But industry leaves the American people only one defense—organized labor. (How many Americans there are who are afraid of their defenders, he did not say.)

Automation produces new problems in collective bargaining. Incentive systems of yesterday make no sense today, nor do job-grading systems. The brave new world of promise is realizable, he concludes, if we are, in George Norris' words, willing "to challenge the forces of entrenched greed, who are more interested in power and money than they are in building a world of peace and plenty." Albert Whitehouse ended by identifying labor's interest with the public interest, a quite common pattern.

The conference did not end with Mr. Whitehouse's speech. It continued with reports and discussions more intimately related to the problems. In order to meet the challenge to the unions, increased consideration should be given to understanding what is going on in respective industries. Rates and classifications, changing skills, retraining programs, seniority adjustments, and the effect of automation on highly skilled trades must be brought under ever more careful scrutiny. (It is impossible to go into detail in regard to recommendations.) There was an emphasis on the part of everyone who spoke that the problem transcended industry and labor. Mr. Malloy of the Steel Workers stressed that "it is time for all our country's leadership—industry, labor, government, etc.—to realize we are our brothers' keepers, if this our democratic form of government is to live and prosper."

Robert Nathan, one of labor's economic high priests, summarized labor's traditional position in the emergency by saying that the recession was a damage to American pres-

tige, a sort of fulfillment of Marxist prophecy. The measures he suggested for solution are: (1) "a temporary reduction of eight to ten billion dollars in the tax burden of middle and lower income groups to stimulate spending;" (2) "legislation to increase substantially the level and duration of unemployment compensation benefits." (The latter is a recommendation which the states and federal government are following.)

Mr. Eisenhower and the administration were reminded that a recession is not necessary to fight inflation. Consumption lack is the major cause of recession. Higher wages are not the cause of inflation. The real threat comes from "irresponsibly administered monopolistic pricing." The steel industry is a classic example. Every time the steel industry raised wages it raised prices threefold. Mr. Nathan concluded by calling for both "full employment and stable prices," a consummation devoutly to be wished, but one to which I can find no answer in the conference's findings.

The only conclusion we can have at this point is expressed in a recent I.L.O. report on automation and technological development:

... thus the long-run outlook is good. But in the meantime short-run problems have to be met with imagination and vigor. It is significant that most of these relate to the labor and sociological aspects of technological change rather than to the technical aspects and to our ability as a society to absorb change readily to the general benefit to the people.¹

Greater Production

This is a text for my concluding pages. There was little discussion in the conferences cited about how to humanize labor in the rapidly changing production environment. Only Daniel Bell suggested it. There was no discussion of leisure and its cultural possibilities. Nor was there any question of the assumption that "more" was the answer to the problem of automation. There is and was much discussion of increased productivity and how it should be shared, but no appreciation of the fact that there is no difference in Marxist and capitalist emphasis on increased production. If we could summarize, we might say that underneath all the discussion was the concept of an esca-

¹ "Automation and Other Technological Development," I.L.O., 1957, p. 3.

lator forever going up, spewing goods as it went. Probably this is too harsh. I understand the speakers' dilemma. Men are by necessity involved in the present.

Nor was there, from this point of view of my bias, nearly enough discussion of the impact of automation on capitalism itself. No doubt the labor men involved did not want to risk the hostility of the businesses with which they negotiate. To do so might have seemed unpatriotic as well as an irritation to Mr. Meany, one of free enterprise's staunchest defenders.

Finally, there was a complete ignoring of the relationship between the American economy and the exigencies of the international situation. Not even incidentally was it pointed out that the years of the absorption of the unemployed were years of war, both hot and cold. Labor, like most of the rest of us, has accommodated itself to the "built-in gyroscope" of defense expenditures.

Writing in my book, *Paradoxes of Democracy* (Association Press, 1956, p. 68), I said:

Automation and the Second Industrial Revolution hold out the possibility of paradise on earth for mankind—the fulfillment of the old dream of machines releasing humankind from drudgery. At the same time the mushroom over Hiroshima holds out the possibility of hell on earth—the fulfillment of a prophetic dream of a world swallowed by fire.

Thus at the very moment in human history when it is possible for us to commit suicide through 'vaporization,' it is also possible for us to

live in a kind of Utopia where by the 'sweat of his brow' would come to mean 'by the creative use of his leisure.' There are perhaps few such ironies in history. The real wrong lies in man's ambivalence to his possibilities. The ambivalence is not new in history, it is only more acute.

I suppose whatever answer one gives to the question is determined by one's world view. "Is the dynamo," in Henry Adam's language, "good or evil?" And my answer is, of course it is neither. The answer is in the heart of man. However, in spite of my affirmation of man's rationality, I confess I see little that comforts me. There are so few, as I have indicated in this paper, who are thinking inclusively. Each group is involved in protecting its own interest. Monopoly or centralization of economic power seems the order of the day in business and industry, in spite of the fact that democracy in practical operation should spread over as wide an area of society as possible. Automation, the operation of factories and businesses by electronic power, brings into today's picture an industrial revolution with unknown possibilities.

What is America's answer to the moral dilemma which faces both capitalist and working man, torn between the down-swing of a peace-time economy and the upswing of a war-time economy? Frankly, I see but little more than expansion and power for those who already have too much, and adjustment and suffering for the weak.

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them from conservative assaults, and helping to publicize their work. It is understandable that much of labor's legislative energy must be used to hold back the constant assaults on the collective bargaining process and preventing punitive legislation that would impair the very existence of honest trade unions. Nevertheless some energy, some time must somehow be carved out of the busy schedules of labor union officials to provide more help, more support, more understanding for these government agencies whose job in life is to help us all as consumers.

No one can with confidence today suggest the exact course which labor's new consumer orientation will eventually take. No social movement, labor included, has long followed predicted patterns. Movements respond to abuses, adopt new goals, and change in per-

spective with time. Today labor is increasingly turning "middle class" in its orientation. As consumers, its members are surrounded by a fabulous volume of goods, and by constant, unrelenting exhortations to buy. In an age when it is almost un-American not to live beyond one's means, the consumer needs guidance and protection as he has rarely needed it before in our history. If the current assault on the consumer is less dramatic than the Ludlow massacre or the 1937 Memorial Day Massacre in Chicago, it nevertheless affects more people more of the time than either of these two ugly events. For that reason, and for the reason that the labor movement itself faces the challenge of the new technology and a changing work force, it must be oriented toward a greater consumer consciousness.

Discussing the growth of "social unionism," this author points out that "... private welfare plans are necessarily spotty in their coverage and sectional in their interests. . . . It cannot be over-emphasized that what is necessary is an enlarged social security program under federal auspices combined with state administration."

Union Welfare Funds

BY MARK STARR

Educational Director, International Ladies' Garment Workers' Union

UNION WELFARE funds fit into the pattern of social security which became law in 1935. Then, as a result of the depression and of the new values and social-action methods introduced by the New Deal, the United States imitated and adapted plans already tried out in other industrial countries to protect workers in times of sickness, accident, unemployment and old age. Germany, Britain, the Scandinavian countries and others had moved into this field many years earlier.

Social security is now a recognized part of government activity. Payments from the accumulated funds serve as a stabilizer in times of mass unemployment. Not even the conservatives who fiercely opposed social security would now think of abolishing it. The Eisenhower Administration indeed has boasted of its achievements in this field. Increases in benefits and rates have since been made with a minimum of opposition. In January, 1959, old age and survivors' checks went up an average of seven per cent and rates of payment for worker and employer were increased from 2.25 to 2.5 percent, with a rise planned to four to five per cent in 1969.

It was not always so. Alarmists suggested that, if social security were introduced, then each worker would have to have his number tattooed on his back. Present talk about "socialized medicine" will in the near future undoubtedly provoke the same amusement.

Secretary of Labor Mitchell estimates that there are now upwards of 500,000 separate pension and welfare plans covered by the Pension and Welfare Fund Disclosure Act, which requires that a full description of all these funds must be filed before April 1, 1959. The Act was passed in the closing

days of the Eighty-sixth Congress and some 80 to 90 million people—workers, their dependents and beneficiaries—are covered by it.

More than eight billion dollars are annually put into private health and welfare plans in the United States. This is more than the entire Federal budget up to the middle of the 1930's.

The recent trend in fringe benefits for production workers is shown by the A.F.L.-C.I.O. Department of Research, in the five-year period 1953 to 1958, to be as follows: Paid vacations of three weeks or more after ten years service have increased from 12 per cent to 27 per cent; seven or more paid holidays are received by 65 per cent instead of 33 per cent; 68 per cent now are covered by

Mark Starr, Educational Director of the I.L.G.W.U. for almost 25 years, came to this country from England. His books include *Labor and the American Way* (1958) and *Labor in America* (co-authored with Harold U. Faulkner). He is presently serving on the boards of the National Educational Television and Radio Center and on the New York State Regents' Advisory Council on Educational Television. A labor consultant for the O.W.I. during World War II, he also worked in this capacity with the American Military Government in Japan in 1946, and as a member of President Truman's Commission on Higher Education, 1946-1947.

pension plans as compared to 53 per cent; and hospitalization benefits have grown from a coverage of 73 per cent to 86 per cent in this period.

Long before there were welfare funds provided by management, the unions, from their inception, had set up voluntary funds to help take care of their members in times of need. Indeed the militant unionists of the early days criticized the old craft unions for being "coffin clubs" which cared more for their friendly benefit reserves than they did for wage standards. Nevertheless, the existence of such sick and death benefits served as a stabilizer for the existence of the union. A member would think twice before leaving the union if it meant that he lost his accumulated benefits.

Probably the unions began with sporadic collections and later made them part of union dues. Obviously the national unions and locals of the more skilled workers would be most likely to set up such benefit funds.

Welfare Fund History

According to trade union history, the Journeymen Barbers and the Pattern Makers in 1893, the Tobacco Workers in 1896 and the Plumbers in 1903 set up sick benefit funds for their members. Local unions had done this much earlier and many local unions originated as benevolent societies or sometimes cloaked their trade purpose by the provision of friendly benefits. For example, there was the Typographical Society in Philadelphia as early as 1810.

To far-sighted unionists it was clear that wage agreements alone could not adequately meet the dangers of social insecurity. Workers could not protect themselves by their individual savings. At first the unions set up their own benefit funds. Much later, and after considerable argument, they advocated general plans run by the government for unemployment insurance. The depression, 1929-1933, was the final proof that such plans were needed.

But few unions, prior to these wider plans, could compete with the benefit schemes provided by anti-union employers. Hence, there was little increase in the number of union sick benefit funds reported over the years. The American Federation of Labor records 28 in 1903, 27 in 1913, 13 in 1923, 30 in

1933 and only 18 in 1943. The 1938 Convention Report of the A.F.L. showed total benefit payments (inclusive of death, sickness, old age, disability and minor benefits) of about 25 million dollars. These figures look very tiny compared to the modern extent of welfare payments.

Now, however, we think of welfare funds as those mostly financed by management and administered jointly by the unions and management. The Amalgamated Association of Street and Electric Railway Employees is said to be the first union which negotiated such health and welfare programs in 1926. The movement, however, did not spread widely until the World War II period. When excess profits were taxed, wages were fixed and the unions could not ask for wage advances, the National War Labor Board permitted fringe benefits which the employers were willing to provide to satisfy their employees. These benefits became recognized in the courts as a proper matter for collective bargaining negotiations.

The welfare funds, administered by the International Ladies' Garment Workers' Union, paid out in 1953 benefits of more than \$36 million and had an income of \$54 million. In 1957 this union had 90 health and welfare funds covering nearly 428,000 members and 40 retirement funds covering nearly 377,000 members. The combined income of the funds was over \$71 million with resources of over \$211 million. These funds which must be held in trust have been used to finance cooperative housing. The health and welfare funds collected in 1957 nearly \$44 million and distributed nearly \$37 million. This union had endeavored, since the setting up of its Union Health Center in 1913, to meet the health needs of its members, and so was prepared for extensive action.

The United Mine Workers attracted considerable attention with its bargaining for health and welfare benefits and also for its outstanding work in hospitalization and pensions. The story of what the United Mine Workers has done in this field deserves a whole book. When it was established in 1946, the welfare fund was financed by a five-cent per ton royalty. This, eight years later, had increased to 40 cents per ton, and a total beneficiary list of 927,554 miners and

their dependents had received over 641 million dollars.

The imagination cannot measure the misery and suffering which have been prevented and the benefits received by cured miners (otherwise completely disabled for life), their dependents and the pensioned workers. Whatever criticisms have been made of the United Mine Workers in other respects, its welfare funds have been above suspicion and the administrative costs have been as little as 3 per cent. The United Mine Workers have built extensive hospitals and clinics. The *Saturday Evening Post* (May 30, 1952) testified to the honest and effective administration of the Miners' Welfare Funds.

It can be argued that welfare programs complicate collective bargaining, and that it is not sound practice to have a wide variety of such schemes, each based on a single industry; and also upon the bargaining power and skill of a particular union. However, it should not be forgotten that plans for nationwide compulsory contributory health insurance have been successfully opposed by the doctors and opponents of all forms of improved social security. The unions are showing what can be done and their valuable experience can lead to more comprehensive plans later.

Obviously, when company unions were outlawed by the Wagner Act, the responsibility for running their existing welfare activities had to be assumed by the real trade unions which succeeded them. After the recognition of fringe benefits by the National War Labor Board, the various fact-finding boards (for example, in the steel dispute of 1949) recognized that an industry had a responsibility to provide for medical and old-age benefits.

The Miners, the Auto Workers and the Steel Workers were the big new examples of welfare programs in 1948-1949. Such plans now range from coast to coast and it is difficult to get an over-all estimate of their extent. For example, at the beginning of 1957, 23,000 pension plans had qualified under the Treasury tax regulations, which meant that some 14 million workers now had some form of pension plan. It was estimated that in the year 1956 the total of non-wage payments made by private industry amounted to

\$12,200,000,000, and the ratio of welfare benefits to wages and salaries rose to 6.5 per cent.

Guaranteed Annual Wages

In 1954 and 1955 the desire to protect the worker more effectively during times of forced unemployment was focused on what was called the Guaranteed Annual Wage as advocated by the United Automobile Workers. This later became known as a Supplemental Unemployment Benefit (SUB). The purpose was to give the unemployed worker 60 to 65 per cent of his normal pay from funds set aside by management. These funds started operating in July, 1956, for the U.A.W. and in September, 1957, for the Steel Workers' plan. In the four states, Virginia, North Carolina, Ohio and Indiana, the SUB payments were treated as wages and were not allowed to supplement unemployment insurance.

The plans vary from company to company. They range from seamen and electrical workers to workers in the plate glass industry. The most concise summary of the differences in the various SUB plans is to be found in *New Dimensions in Collective Bargaining* which has a special SUB survey by John W. McConnell. It was estimated that in January, 1958, about two million workers were covered by SUB plans and that about 200,000 were receiving payments.

Well over 75 per cent of the collective bargaining settlements made in 1958 included improvements in fringe or non-wage benefits to assist the worker and his family in times of illness, death, old age and unemployment. For example, these new agreements improved life insurance policies, hospital, surgical and medical protection, and pay during illness; they also increased paid holidays, pensions and unemployment benefits. The trend continues to reduce or eliminate worker contributions to such welfare plans. In 1958 not much was heard of new plans for Supplemental Unemployment Benefits, but these proved very worth while in holding down the recession of that year.

Another forward step in this field is the increasing introduction of severance pay. In some instances, money accumulated for SUB has been used for severance pay when companies have shut down. As automation in-

creases, the need for severance pay will become greater.

The complications of welfare plans and the variety of fringe benefits make it exceedingly difficult to make generalizations about them. In most instances, only employers pay into the funds; in others workers contribute. Sometimes the union collects and disburses the money, while in other cases the union allows an outside agency to operate its plan. Sometimes pensions are a flat sum, in other cases they are based on length of service. A large number of unions have successfully serviced themselves by setting up a network of health clinics, but in recent times there has been a trend to general plans for group medicine with a local selection of doctors.

Temptation and Corruption

The accumulation of such vast sums of money has proved a dangerous temptation to a few union leaders. When a union leader had the power to decide the placement of an insurance contract, then the insurance company representatives would find it worth while to bribe him by a director's position, or by gifts of automobiles, by the placement of his relatives on the payroll and even by direct money payments. The record shows that there were individual instances of this, although, of course, they were possible only by collusion of management and insurance companies. Such exceptional instances were highly publicized by the press which ignored normal honest administration.

In some instances welfare plans are operated directly by the union instead of being contracted out to insurance companies. The unions usually endeavor to have plans which cover the whole industry, or at least a large section of it, instead of being confined to an individual company. But in these cases too the misuse of union funds is possible. The scandals which became public in 1954 prompted the A.F.L. to take action.

The "welfare fund code," as distributed to A.F.L. unions in February, 1955, included these proposals:

A ban on payment of fees or salaries from a welfare fund to full-time union officers.

A prohibition against "compromising ties" between union officials and insurance carriers, brokers, consultants or others doing business with welfare funds.

Prosecution of fund trustees who are found to have received improper payment in connection with welfare operations.

Independent audits and submission to all union members of detailed annual accountings on every aspect of fund finances.

Letting of insurance contracts through competitive bids.

These proposals were expanded and were applied in the merged A.F.L.-C.I.O. (See *Proceedings AFL-CIO Convention*, 1957, Vol. II, pp. 77-80).

The A.F.L.-C.I.O. logically opposed government investigation limited only to union plans. The employers opposed any control or inspection of pension plans which they themselves administered. Arguments over rival bills prevented action in the Eighty-fifth Congress, but the Fund Disclosure Act referred to earlier was accepted in the Eighty-sixth Congress. Some states have adopted similar laws for report and disclosure.

The I.L.G.W.U., for example, long before the matter was raised by the McClellan investigation, had set up rigid supervisory controls. The administrative costs of the Retirement Funds, for example, were limited to three per cent and for other welfare funds to five per cent. The majority of unions had similar good records.

The safeguarding and efficient administra-

tion of union welfare funds is being undertaken by the A.F.L.-C.I.O. and in fact in the majority of instances is already in operation.

Nationwide Plans Needed

More fundamental problems arise. To what extent will SUB plans increase the stability of labor and establish favored groups of workers with relatively high social security? In other words, private welfare plans are necessarily spotty in their coverage and sectional in their interests. On occasions the miners' pensions have been suspended because in the anthracite division there were a drop in output and a lack of cash resources. If an industry declines, it cannot provide welfare funds, despite the needs of its employees. It cannot be over-emphasized that what is necessary is an enlarged social security program under federal auspices combined with state administration.

The insurance companies and banks and the beneficiaries of private plans will try to

block nationwide schemes because of their vested interests. Already complaints are heard about the waste and the too rapidly increasing cost of medical care. (The Foundation on Employee Health, Medical Care and Welfare, Inc., reported on June 15, 1958, that at least \$58 million yearly was being wasted.)

Rates for group hospital service are likely to increase. For example, in 1957 the Blue Cross Insurance Plan asked for a 40 per cent increase in premiums paid for hospitalization. In order to advise unions in this field, there has been set up the Association of Labor Health Administrators. This is made up of medical and lay administrators who wish to pool their experiences in the operation of union health and welfare plans and prevent a crazy-quilt pattern of disorder and maintain the quality of the medical services provided.

Incidentally, the coming of welfare benefits and of supplementary unemployment benefits has made some employers lessen their opposition to plans for federal and state social security. They would prefer that this responsibility be socialized and placed upon industry as a whole instead of on one individual employer or one industry.

In the official A.F.L.-C.I.O. view, union welfare plans are no substitute for improvements in all divisions of government-administered social security. Director Nelson Cruikshank of the A.F.L.-C.I.O. Depart-

ment of Social Security is currently critical of the attempt by some insurance companies to insure those over 65 years of age for hospital care. He and his colleagues support the legislation currently introduced by Representative Aime Forand to increase medical care and hospitalization for older people.

Independent welfare plans proposed by the unions themselves may well accelerate future general plans for the whole of our society. The welfare plans of the unions have naturally reinforced the activity of the A.F.L.-C.I.O. Community Services by which organized labor has become increasingly an integral part of the community. (There are already over 115 men and women on the staffs of United Funds and Community Chests as A.F.L.-C.I.O. Community Services representatives in addition to thousands of volunteers and officers.) The A.F.L.-C.I.O. asks that laws which block consumer-sponsored non-profit medical service pre-payment plans be removed. Non-governmental activities will serve as a demonstration of what can and should be done by nationwide contributory health insurance.

The activity of the organized labor movement in this important area is further evidence of the shift from *business* unionism to *social* unionism. The community and all its members will benefit from increased welfare. Surely it is obvious that happy, healthy and efficient workers are the real wealth of the nation as a whole.

"An unstable price level is one of the oldest—and most difficult—of all economic problems. Throughout most of the world's history, and in practically every country, the course of prices has been irregularly upward. We are dealing with a stubborn trend."

"Inflation, as I shall use the term . . . , is simply a rise in the overall level of prices."

"Inflation is not a cosmic force originating in outer space. It is man-made and is susceptible of being influenced by man."

"In an economy with its productive plant intact, like our own, and operating at a high level inflation can be the result of any or all of three forces:

*Unsound fiscal policy, failure of the government to live within its means.
Unwise monetary policy, failure to exercise proper restraint in the creation of money."*

The wage-cost-price spiral, newest member of the inflationary crew, through which labor and management apply an upward ratchet to the cost of goods and services."

"Economists know enough about inflation so that, with proper legislation and public support, inflationary forces could be restrained."

—Inflation is Man-Made, by Don Paarlberg, Special Assistant to the President of the United States, an address delivered February 13, 1959.

According to this specialist, "It is crystal clear that union membership must be protected from its own leadership." Since union membership does not have "the power to clean house," it is time "for drastic public action and strict legal measures."

Corruption and Union Racketeering

By J. F. BELL

Chairman, Department of Economics, University of Illinois

THE American public has been given a ringside seat to proceedings which have revealed, to some extent, the depth of the corruption to which some will sink. Unfortunately, this shameful revelation has applied to the so-called leaders of the labor movement and to some extent to certain management. No domestic affair in our entire history has shocked the public as this has. The scandals that brought the trust legislation over half a century ago are dull reading in comparison with what has transpired in labor ranks in the past three or four years. The direct victims are the workers themselves, while the entire moral and economic fabric of the nation is also indirectly involved.

Labor racketeering is almost as old as racketeering in general. As a rule, where racketeering thrives, labor racketeering will also be found. Likewise, where general racketeering is nonexistent or unimportant, labor racketeering is negligible. The term racketeering, as used in labor-management relations, means the abuse of an individual's position in the labor field for his personal enrichment and at the expense of workers or employers in industry or both. The Mc-

Clellan Committee has as its purpose a thorough investigation into the abuses defined as follows:

Conspiring with an employer against other employers or to deprive union members of their rights; manipulation of welfare funds for personal gain; paying personal business expenses out of union funds, and using union power and funds to muscle in or gain control of gambling or other vices.

The Committee is attempting to determine whether

existing laws are properly administered or if they are deficient, thereby permitting the malpractices, and also to strengthen legislation in those areas where controls are most needed.

Abuses in labor relations by labor leaders are not new. At the turn of the century racketeering reached scandalous proportions, especially in the building and construction industry. Because of the very nature of the industry this was "a natural" for labor racketeers who preyed on worker and employer alike. Occasionally aggrieved persons would appeal to public authorities; this resulted in court action and exposure of practices of shocking proportions.

As the labor movement grew, the old (and successful) malpractices became widespread and somewhat standardized and many new features of corruption were introduced in some unions. Pilfering of union treasuries has now become so serious that the uninformed public assumes that the practice is universal, which of course it is not. Nepotism and favoritism have been revealed as growing practices. Misuse of union position

J. F. Bell is Professor of Economics at the University of Illinois. He was chief economist in the Wool and Woolens Unit of the O.P.A. during World War II, and a member of the Illinois Post-War Planning Commission, 1944-1945. His *History of Economic Thought* was published in 1953.

¹ *The McClellan Committee Hearings, 1957. p. v.*

for personal gain has been resorted to by union officials at all levels. The use of "kick-backs," selling jobs to preferential workers, and collusive agreements are common. There is collusion with employers by entering into what have come to be known as "sweetheart contracts," whereby labor peace is purchased to the benefit of the unscrupulous employer and the unprincipled labor leader.

A rather new practice has been developed whereby a charter is obtained by a racketeering official from dishonest international officials. The result is known as a "paper local," in which no effort is made to organize the workers who may or may not have been union members. If the employer refuses to be mulcted he may be subjected to all sorts of embarrassment, damage to property, threats and injury to workers and other tactics, the least harmful being picketing. On the other hand, if the employer enters into a "sweetheart contract," he is protected during the life of the contract, in accordance with the provisions of the Taft-Hartley Act, from organizing campaigns by legitimate unions.

The plundering and misuse of union funds have reached a new high in human perfidy and betrayal of trust. The brazen tactics of the thieves and the shameful retreats behind the Fifth Amendment in committee investigations only compound the enormity of the acts. The mushrooming of employee welfare and pension funds plus vast reserves to be used for employee insurance, sickness, hospitalization and other so-called social insurance, has really afforded a gold mine for some so-called leaders. From what was small potatoes in the pre-World War II period, the funds increased until an estimated four billion dollars were put into employee retirement funds in 1957.² Comparable amounts have been added each year; these staggering totals have the lure of a mother lode to the racketeers. Fake insurance companies, investment concerns, counselors and special companies have been set up to help in the nefarious practices which deprive the workers of what they thought they were honestly buying.³

One of the most distressing disclosures is the utter disregard for union democracy by some union officials. If elections were held they were dishonestly conducted. In some unions no elections were held for years—a

direct violation of their constitution. In some cases, intimidation or violence, including the severe physical punishment of dissenting members, has been the fate of protesting members. Fair trials, as provided in the constitution, were seldom afforded. When opposition was strong enough to threaten the entrenched czars, the undemocratic method of establishing a receivership for the union was used. Such receiverships are usually unduly prolonged and negate the right of self-government to the units involved.

Gangster Infiltration

While the foregoing are cited as only a few of the unfortunate abuses to which union members are subjected, something new has been added. Large scale infiltration of gangsters and underworld hoodlums is a relatively recent development. Its proportion, however, amounts to an invasion. While it may be contended that there is little or no difference between the ilk of Sam Parks of the New York building trades union from 1896 to 1903, "Skinny" Madden of the Chicago Building Trades Council from 1896 to 1908, Mike Boyle of the electrical workers, "Benny" Fein of the International Ladies Garment Workers Union of the Prohibition era, Al Capone in Chicago, the Purple Gang in Detroit, George Scalise, a convicted extortionist, and of Beck, Hoffa, Cohen and a host of leaders now in office, these at least started in the labor movement. Some were workers who "rose from the ranks." The present crop of public enemies in the labor movement, as a rule, attained their position by bloody, prohibition type muscling in.

In the years since 1933, unions have expanded so rapidly that they have been tempting new and lucrative fields that challenge the "best" in gangsterism. Criminals are now so firmly entrenched in some unions that extraordinary procedures will be necessary to dislodge them.

It must not be inferred that corruption, at least in its extreme variety, is found in all unions. Corrupt practices were not unknown in the fledgling American Federation of Labor during the 1880's. With the

² *Hearings*, op. cit., p. vii.

³ See Harold Seidman, *Labor Czars—A History of Labor Racketeering*, N. Y., 1938, and Joel Seidman, *Union Rights and Union Duties*, N. Y., 1943.

growth of large-scale unionism at the turn of the century, corruption became an important phenomenon of the labor movement, especially in the construction industry. The excesses of labor practices in the 1930's are well known. The problem of corruption in the post-war years was serious enough for both the American Federation of Labor and the C.I.O. to take extra precautions against it. In 1952 the A.F.L. appointed a three-man committee to investigate the issuance of local union charters "to persons who had no previous connections with the trade or calling covered by the international union concerned." Since racketeers profited by the cloak of legality provided by a local union charter, the latter were in great demand. This led to the revocation of the charters of two unions by the parent union; one the Distillery Workers and the other the Jewelry Workers.⁴

In 1953, the A.F.L. expelled the I.L.A. on grounds of corruption.⁵ In 1954, the C.I.O. set up a Standing Committee on Ethical Practices. Then in December, 1955, the A.F.L.-C.I.O. pledged full support to the resolution "to keep the Federation free of any taint of corruption and communism."⁶ The efforts have been directed mainly at "corruption" in "paper locals," administration of welfare funds and "racketeering crooks, Communists, Fascists" within the offices of the unions. The Code makes the point that "it is not within the purview of a trade union to convict its members of a violation of statutory law" but it holds that no union should wait until a court conviction before acting against unethical individuals.

Bigness

Corruption is not a function of size in labor racketeering. The Auto Workers and Machinists unions are made up of many locals with thousands of members. The Pottery workers, the Flint Glass workers and the Lithographers unions are relatively small organizations. All these have avoided any scandal and wrongdoing. The Teamsters is the best example of a large union racked by

scandal and corruption. The Distillery Workers, a relatively small union, has the same dubious honor as the Teamsters. The United Mine Workers of America and the United Steel Workers of America are strongly centralized unions and free from scandal while the International Union of Operating Engineers is highly centralized and also highly corrupt. The extent to which the unions are centralized or decentralized does not appear to be significant in any real sense. The officers can swing the balance either way.

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The foregoing sketches briefly only a few of the elements that confront labor and the public at large today. When reduced to specific charges it is at once apparent that the labor movement is plagued with a deadly disease which is beyond its own self-curative powers. The public does not understand how union membership can elect or reelect known and convicted gangsters to head the organization. Indeed it reflects either a complete breakdown of the democratic process or a callous indifference of union membership to the facts. Union leaders have been given power and that power has corrupted almost beyond the bounds of comprehension. Not only have workers been swindled but the entire economy is threatened. The unions are not subject to anti-trust prosecution as are producers and as a result of favorable and friendly labor legislation they have been immune to prosecution as monopolists, conspirators or for restraining trade.

The evidence brought out in the McClellan hearings should awaken and enrage the American public. When Robert Kennedy, Senate Rackets Committee chief counsel, says that Hoffa's Teamsters Union is "the most powerful institution next to the government of the United States," it is cause for grave concern. He also stated that the power wielded by the Teamsters Union gives it an "economic stranglehold" over many American communities.⁷ He further stated that men with criminal records were exerting influence in teamsters affairs in Chicago, Cleveland, Nashville, Philadelphia and New York. Teamsters claim they follow "big business" policy and seek to control all that moves from "the cradle to the grave"—or

⁴ *Proceedings*, A.F.L. Convention, 1952, pp. 94-95.

⁵ *Proceedings*, A.F.L. Convention, 1953, pp. 53-82, 364, 397-98.

⁶ A.F.L.-C.I.O. *Constitution*, Art. XIII, s. 1 (d).

⁷ Robert Kennedy, Speech before an Overseas Press Club luncheon, New York, March 26, 1959.

ambulance to hearse. There can be no justification for "stranglehold power" in our economy.⁸

Once it is assumed that the existence of labor unions is desirable and perhaps necessary, remedies for controlling or for abolishing corruption within the organizations must be certain but not so extreme that the position of the union will be seriously damaged in performing its functions. It appears that at least two major remedies are needed: (1) those which the unions themselves or the entire labor movement can provide and (2) those which depend on government action, new legislation or more stringent enforcement of existing laws.

It would appear at first sight that union membership should clean its own house and "throw the rascals out." But the public has learned that only on rare occasions has the membership had the power or desire to clean house. On the contrary, convicted criminals have too often been given hero roles. It would appear only reasonable that those once convicted of a crime should bear the mark of Cain and be deprived of responsibility in the union and of full membership in the community. This element has forfeited any right to represent honest men and women in any endeavor. Unfortunately it has been demonstrated time and again that the officials appear to be entrenched and immune to rank and file reforms.

Government Controls

That government action is necessary is shown in the bills before Congress. Bills have been sponsored by Senators Kennedy and Ervin, by Senator McClellan and by Senator Goldwater. Laws presently exist which make embezzlement and extortion illegal. But law enforcement authorities have done little to prevent violation of the laws. In order to write new laws or to enforce existing ones, there must be legal draftsmen and devoted officials who are beyond the reach of politicians. Labor votes have been telling in many elections in many states. Labor is willing to buy friendly officials and too many officials are willing to sell out. This can only perpetuate abuses.

It is crystal clear that union membership must be protected from its own leadership. Health and welfare funds, insurance and pension reserves, and the union treasury must be protected from the grafting and dishonest leaders. This is a matter for federal statute and Department of Justice supervision. Crimes of blackmail, picketing and secondary boycotts are in reality "crimes against the community" just as some of the business practices were that led to anti-trust legislation. When union power attacks and ruins third parties—that is, the community—it is cause for drastic public action and strict legal measures.⁹

A Crime Against the Community

It is a travesty that the American community and American workers are more tolerant of racketeering than they are of communism. Unions have protected themselves against exploitation by unscrupulous employers. Now some of them are exploited far more by their leaders. Likewise it is a national shame that the only convictions federal authorities have been able to get in cases against racketeers are on charges of income tax evasion or illegal use of the mails. Fear of reprisals has virtually defeated legal prosecution. Local ordinances, ordinary state laws and most federal laws are so powerless against racketeers that these criminals are practically immune from prosecution.¹⁰

Labor and the public have more at stake in this present labor crisis than either dares admit. Both are victims of brazen men in power whose moral and ethical scruples are nil. The Congress that must pass control measures dares not default in its obligations to both labor and the public, because the crimes of some unions and their criminal leaders are crimes against the community.

⁸ See *Current History*, "United States Labor Policy," July, 1954.

⁹ See Philip Taft, *Corruption and Racketeering in the Labor Movement*, Bulletin 38, N. Y., School of Industrial and Labor Relations, Cornell, 1958. Also, John Hutchinson, *Corruption in American Trade Unions*, Reprint 91, Institute of Industrial Relations, University of California, Berkeley, 1957.

¹⁰ See Walter C. Reckless, *The Crime Problem*, N. Y. 1955, p. 189. See also Rufus G. King, "The Control of Organized Crime in America," *Stanford Law Review*, Dec., 1951, pp. 51-67.

Hardly more than a tenth of the world's population lives at elevations above 1,500 feet.—From a Twentieth Century Fund survey.

Tracing labor's drive for higher wages and shorter hours, this specialist notes that "There is no reason to believe that the general trend has reached its terminus in the middle of the twentieth century." He concludes that "We can probably anticipate that wage increases will continue to exceed productivity increases . . . and that inflation is unavoidable."

Wage and Hour Policies in Historical Perspective

By MILTON DERBER

Professor of Labor and Industrial Relations, University of Illinois

APART FROM the issue of union recognition, wages and hours have been the central concern in labor-management relations since the first disputes of post-Revolutionary days. Among the earliest strikes on record are those of the New York shoemakers in 1785 for higher wages, of the Philadelphia printers in 1786 for a minimum wage of \$6.00 a week, and of the Philadelphia carpenters in 1791 for a shorter work day and premium pay for overtime.

Early America was predominantly a rural society and the working hours of the urban craftsmen were, like the farmers', from sunup to sundown, and sometimes longer, six days

per week. To the victors of a great Revolution, nourished on democratic slogans and equalitarian ideals, such hours left no time for the practice of citizenship or leisure with the family, and often were a threat to good health. The ten-hour day therefore became a leading goal of the newly formed unions. However, it was not until the first major unionization movement of the 1830's that the ten-hour day was won by the skilled craftsmen in most of the larger cities. Workers in the new textile factories and in the unskilled occupations, lacking bargaining power, were not so fortunate. Nor did a turn to legislative remedies prove helpful. Although several states enacted ten-hour laws, mainly affecting children, they were poorly drafted and not enforceable.

Nevertheless, long before the ten-hour day was generally practiced, the movement among unionized workers for the eight-hour day had begun. The initial impetus provided by Ira Steward, Boston machinist, during the Civil War, was directed toward the enactment of eight-hour day laws. But the ineffectiveness of the state laws which were passed (the first in Illinois in 1867) as well as a growth in union bargaining power caused organized labor to return to economic action. Both the Knights of Labor and the A.F.L. supported strikes to this end—many of which were at least temporary successes. The eight-hour day was the chief goal proclaimed by marchers in the annual Labor Day parades begun in 1882; May Day, which was to become the Labor Day for

Milton Derber served as economist and research director for the National War Labor Board, 1943–1945; prior to that he worked with the National Labor Relations Board and the Office of Price Administration. In 1945–1946, he was chief economist for the President's Fact Finding Boards for the General Motors and Pacific Coast Longshore labor disputes. Since 1947, he has been with the Institute of Labor and Industrial Relations at the University of Illinois. Mr. Derber is the author of *Labor Management Relations under Industry-Wide Bargaining* (1955) and editor of the *Termination Report of the National War Labor Board* (1948).

most other industrial countries, was born out of the American eight-hour day drive of 1886.

In contrast to the ten-hour movement, the rationale for the eight-hour day was economic rather than social. Mrs. Steward's jingle, "Whether you work by the piece or work by the day, decreasing the hours increases the pay," expressed the sentiment that a reduced work week would stimulate both demand and employment. Later advocates saw the eight-hour day as a means of spreading work and reducing unemployment, as well as improving health. Gradually and in the face of strong employer opposition, the eight-hour day and the five and one-half-day week were won by construction workers, printers, miners and other unionized groups through union pressure. In the railroad industry the basic eight-hour day was achieved through congressional enactment of the Adamson Law in 1916 under the pressure of union strike threats. But most factory workers were not so well off. Indeed the steel and some other mass production industries operated on twelve-hour shifts into the 1920's.¹

The New Deal

The adoption of a general eight-hour day, forty-hour week standard was not to be the result of union action but rather of New Deal liberalism. Near the bottom of the depression in 1933, Senator Black, with union support, pushed a thirty-hour week bill through the United States Senate, but this effort was superseded by the passage of the N.I.R.A. in June 1933, which led to the adoption of eight-hour day, forty-hour week rules in numerous industry codes. When the Supreme Court declared the Act unconstitutional, the administration sponsored new legislation which ultimately became the Fair Labor Standards Act of 1938. One of the three major labor statutes of the New Deal period, the new law provided that work over forty hours in a week should be compensated for at the rate of time and a half. The eight-hour day, five-day week became the national standard. Continued large scale unemployment caused unions in some industries, nota-

bly garments, printing, rubber, and construction, to fight for and achieve even shorter hours—either thirty-five or thirty-six hours per week.

The question of shorter work hours remained largely quiescent during the full employment period beginning with World War II. But the recession of 1948-1949 and predictions of mass unemployment when the products of the postwar baby boom enter the labor force in the 1960's revived interest in a thirty-five or thirty-six hour week. Many observers, including some within the ranks of organized labor, interpreted this demand as one based on a desire for more premium pay rather than for more leisure or the spread of employment. When the Korean War broke out, the shorter work week argument temporarily lost any force it may have otherwise had.

But the drive for reduced hours has an amazing persistency. In 1956 the A.F.L.-C.I.O. sponsored a national conference in Washington on shorter hours of work. Among the proposals discussed were a reduction in the length of the work day, a reduction in the number of days worked per week, adoption on an occasional basis of the three-day weekend, and longer vacations, including some variation of the sabbatical leave program which college professors frequently have.

The Shorter Work Week

In 1957, the United Auto Workers widely publicized the shorter week in anticipation of its 1958 negotiations with the Big Three auto firms. The union position was sharply attacked by management spokesmen in public statements, and when economic conditions changed later in 1957, the union turned to a surprising proposal for profit-sharing, which also got nowhere. However, the existence of large pools of unemployment in the auto, textile and other industries, even after the national economy had revived from the recession, restored the shorter hours issue to serious status once more. For the A.F.L.-C.I.O. it is currently a major public objective. Adding to the pressure behind the new drive is the fact that automation or highly developed technological change has made it possible to produce autos, steel, and other

¹ The history of hours for women and children and of men in the employment of the federal government has been quite different than that for men in private employment. Space limitations preclude special treatment here.

mass articles with considerably fewer employees.

Opponents of further reductions in work hours foresee serious adverse economic consequences. They contend that workers do not desire a shorter work period either for reasons of health or leisure. They note the growth of "moon-lighting"—that is, the holding of two jobs by workers on schedules below forty hours per week. They reject the idea that shorter hours will prevent unemployment because the unions insist, as they have always done, on no reduction in take-home pay. If more workers are required and productivity increases fail to offset them, either inflation or depression must follow.

Whether these economic arguments are valid will depend, of course, on the rate of technological development. Similar arguments have been raised in the past only to fall before the onslaught of scientific advances. There is no reason to think that the terminal point in this process has been reached. Indeed, the tremendous investment in scientific research by government and industry since World War II heralds an unprecedented advance in the technological performance of many industries.

Not all industries are in the same technological position. To the extent that the laggards cannot improve productivity to offset the costs of shorter hours, they will be obliged either to resist the hours change or face the overpowering competition of other industries. Monopolistic industries may be able to reduce hours more easily than competitive industries by passing the costs on to consumers, although it is interesting that industries with less than the forty-hour standard are mainly in the competitive class, i.e., construction, garments and printing.

In any case, the next reduction in work hours (whether reflected in shorter work days, or longer vacations) is likely to involve a considerable period of turmoil and conflict just as its predecessors did. Employers are likely to resist strenuously; the public is likely to be less sympathetic to labor on the issue than in the past. But if, as is possible, we encounter a period of persisting unemployment resulting from technological advance and rapid growth of the labor force, the pressure for shorter hours as a work-spreading device, even at the price of further in-

flation, is likely to be persuasive. Such a development will probably come through the collective bargaining rather than the legislative route.

The Wage Question

During a major part of the nineteenth century, many of the leaders of the labor movement seriously believed that the solution to labor's problems lay in the abolition of the wage system and its replacement by some sort of cooperative society. Both the National Labor Union, which flourished briefly immediately after the Civil War, and the Knights of Labor, which zoomed to national importance in the 1880's, advocated such a goal. From the 1820's on, the numerous experiments with producers' cooperative workshops attested to the same belief.

The failure of the cooperative enterprises, the growing strength of the capitalist society, and the recognition that radical programs would antagonize a property-conscious public constrained the leaders of the A.F.L. to confine their activities within the wage system. The goal was higher and higher real wages (that is beyond any increases in prices) to achieve an increasingly higher standard of life. More often than not, however, during the period of declining prices and severe competition, which characterized the post-Civil War era until about 1896, the unions were satisfied if they could maintain existing wages against employer efforts to cut them. Most of the bitterest strikes prior to the turn of the century focused around wage reductions. Indeed, one reason why men like Gompers and John Mitchell of the United Mine Workers Union were willing to do business with the great trusts, if the latter would only recognize the unions, was the belief that the trusts would be better able to provide higher wages than small competitive firms.

In attempting to protect and improve their wage standards, the unions placed little confidence in legislative enactment. They often pressed for laws to assure priority for wage payments in the case of employer bankruptcy, to guarantee payment in cash rather than in scrip, and to require regular paydays. But even when public attention was turned to the desirability of minimum wage laws during the first decade of the twentieth century be-

cause of widespread publicity about sweatshop conditions and because of the enactment of such laws in Britain, Australia and New Zealand, the movement was restricted to the wages of children and women. For male workers in private employment reliance was placed exclusively on economic action—on collective bargaining, the trade agreement, and sometimes arbitration. For many it appeared impracticable to achieve adequate minimum wage levels through legislation. The wisdom of this attitude was confirmed by the repeated nullification of federal minimum wage laws for children and women by the United States Supreme Court on the grounds of unconstitutionality.

The primary justification for higher wages was long expressed in terms of the doctrine of the living wage, that is, wages should be sufficiently high to assure a decent standard of living. The relationship of wages to prices was not much emphasized by the unions prior to the turn of the century in part because, as noted above, prices were generally declining until 1896. In at least three industries—iron manufacturing, coal mining and copper refining—wages were linked to movements in the price of the commodity through signed agreements. The Sons of Vulcan signed such an agreement with an employer's association in the Pittsburgh district as early as 1865. But these were exceptional.

During World War I the rapid inflation of prices forced the nation to consider the wage-price nexus very seriously. A general shortage of labor encouraged employers to raise wages in order to attract and hold workers. The National War Labor Board awarded many wage increases to offset the rise in the cost of living. More important, it formulated the policy that all workers had a right to a living wage, and minimum rates of pay were set "to insure the subsistence of the worker and his family in health and reasonable comfort." But in the 1920's prices tended to be highly stable and the cost of living argument lost force.

In addition to the living wage concept, which was to persist until the 1940's, higher wages were justified on two grounds. One, pushed into national prominence by Henry Ford's \$5.00 day for common labor in 1914, was the idea that higher wages meant greater

prosperity because they enhanced mass purchasing. The other, stressed by the advocates of Frederick Taylor's scientific management, linked wages to increases in productivity. Both of these arguments were used by the A.F.L. leadership in the 1920's when organized labor was generally on the defensive.

As in the case of the hours movement, wage policies were dramatically affected by New Deal legislation. Minimum wages for men as well as women were embodied in most of the N.R.A. codes. After the N.I.R.A. was nullified by the Supreme Court, the Congress passed the Fair Labor Standards Act which finally established a national wage floor, starting at \$.25 per hour and now standing at \$1.00 per hour, for all employees engaged in occupations affecting interstate commerce.

The depression Congresses also extended wage regulation over employment on public contracts—a practice with a history of many decades. The importance of this legislation, however, was much greater than in the past because of the greatly increased activity of the federal government in the nation's economy. The Davis-Bacon Act of 1931 required the payment of "prevailing rates" on all government-financed construction projects. The Walsh-Healey Act of 1936 authorized the Secretary of Labor to set minimum wages and maximum straight-time hours for all employers working on government contracts where the amount of the contract exceeded \$10,000.

Wages and World War II

The National War Labor Board of World War II likewise greatly influenced wage standards in American industry. In the process of attempting to prevent a wage-price spiral under wartime full-employment conditions, the Board encouraged an extensive rationalization of wage structures—that is, the correction of inequities within establishments and entire industries by careful evaluation of jobs and job relationships. The Board also gave significant impetus to the adoption of the so-called "fringe benefits," such as paid vacations, paid holidays, travel time, and night shift differentials. Thus, worker income was increased by additional kinds of payments. Neither wage rational-

ization programs nor fringe benefits were originated by the N.W.L.B., but their importance in industry was substantially increased by Board action. After the war favorable economic conditions led to a vast extension of both types of wage standards.

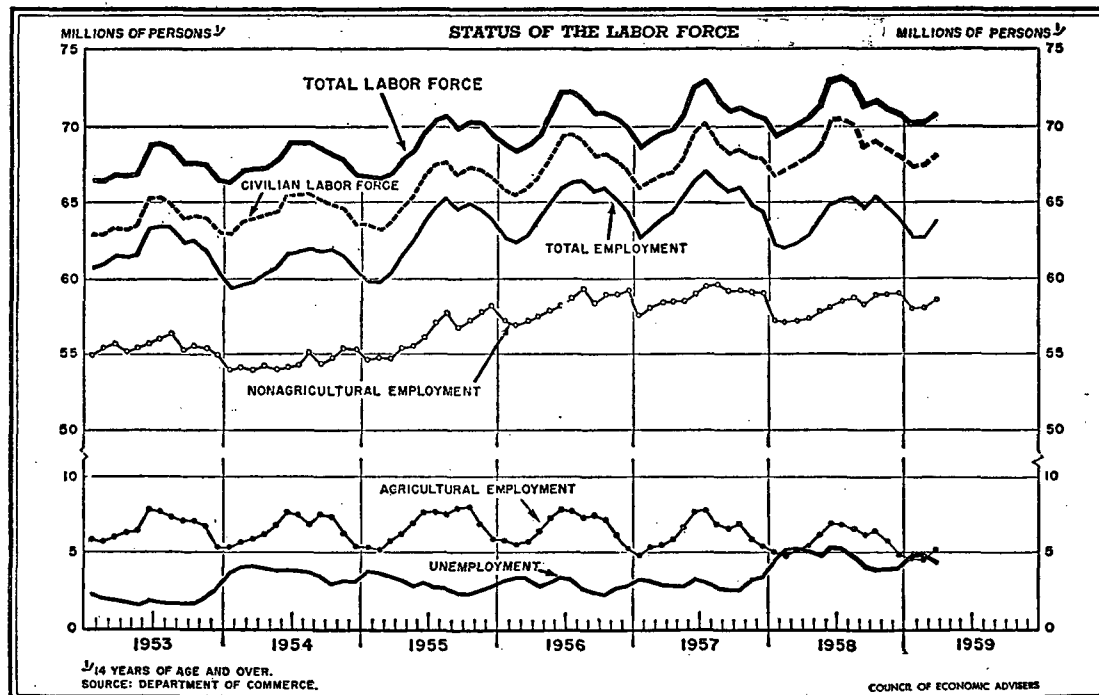
Since World War II the wages issue has taken shape under conditions not previously encountered in the United States. The emergence of a powerful labor movement (whose numbers rose from about eight million in 1940 to over thirteen million in 1950) has meant a steady pressure on wage levels even in years of recession. Adoption by the Congress in 1946 of a national policy of high level employment and heavy government expenditures on both defense and civilian programs has facilitated union wage advances and aided industry in passing such advances onto the consumers in the form of higher prices. The atmosphere of a cold war economy, developed out of the continuing struggle with the Soviet Union for world supremacy, has also been congenial to inflationary tendencies. The result has been a spectacular series of wage-price rounds since 1945 and a growing national concern

with the wage-price nexus in our economy.

During these postwar years, the most imaginative ideas on wage policy in collective bargaining have come from the automobile industry, notably the U.A.W. and the General Motors and Ford Motor Companies. To be sure, only a segment of American industry has followed the auto patterns, even in general outline, but they have been among the most dramatic elements in this field and may have the most permanent effect.

First came the adoption in 1948 at General Motors of an escalator clause which linked wage changes to rises in the B.L.S. Consumer's Price Index and a productivity clause which assured workers of a specified annual wage increase in recognition of the nation's and the company's continuing technological advance. Significance of the escalator clause was enhanced by widespread adoption of long-term contracts, some running as long as five years. Neither the escalator clause nor the long-term contract was new, but they now received widespread attention.

More far-reaching in potential effect was the Supplemental Unemployment Benefit Plan adopted in 1955. The union's objective



Unemployment declined by 400,000 in March and total employment increased by 1.1 million. Both changes were greater than would be expected for seasonal reasons. From *Economic Indicators*, Wash., D. C., U. S. Govt. Printing Office, April, 1959, p. 11.

was a guaranteed annual wage plan which would assure the bulk of the work force a steady income throughout the life of the contract regardless of fluctuations in work. Although adopted in a few companies in prior decades, the guaranteed annual wage has been regarded as too rigid by most employers. They have been unwilling to make wages an overhead cost like plant and equipment, fearing that the cost burden would be too great in a declining market. The union was unable to achieve its objective. Instead it agreed to an alternative program, suggested by Ford, which assured laid-off employees supplementation of their state unemployment compensation sufficient to yield about two-thirds of their past earnings for 26 weeks in a year. The company's liability was limited to a specified amount per hour per employee during the life of the contract. It is generally agreed that the Supplemental Unemployment Benefit Plan would be less important if the Federal Government extended and improved unemployment compensation standards. But neither the nation nor most employers seem prepared to adopt the measures thus far put into effect by some of the large, wealthy corporations.

Since we have not yet been able to devise a method of achieving stable prices under conditions of high level employment, rapid expansion of national product, powerful unionism and monopolistic competition, the nation has engaged in an unprecedented debate over the causes of inflation. Most employers and many economists have blamed union-pressured wage increases beyond levels justified by national productivity gains; unionists and other economists have charged administered price policies by the large corporations as the chief cause and have insisted that higher wages are essential to mass purchasing power and a continually prospering economy. This type of polemic confuses the basic issue which is how to reconcile a number of conflicting objectives in a free enterprise system. In a society committed to high level employment and continuing rapid growth, wherein powerful employer and union groups are free to make wage-price decisions with relatively little governmental interference, inflation is the easiest course for all concerned. Pleas for self-restraint are not likely to have a significant

effect. Governmental monetary and fiscal controls can have a moderating influence, but they cannot always be implemented with sufficient speed to prevent fairly sharp fluctuations in the economy. The general economic outlook therefore is for continued national growth, high levels of employment combined with pockets of substantial unemployment, continued rising wages and at least moderate inflation.

This brief historical review suggests that the movement of organized labor for higher real wages and shorter hours has gone on since Revolutionary days. Significant gains have tended to be erratic, usually coming in short spurts and invariably accompanied by pressure and conflict. There is no reason to believe that the general trend has reached its terminus in the middle of the twentieth century. Both further wage increases and reductions in work hours are well within the realm of possibility.

The factors favoring shorter hours in the 1960's are the rapid technological developments in manufacturing and the forthcoming massive increases of new entrants into the labor market. As in the past, the hours reduction will occur at different rates and in different forms in different industries and occupations. A general, uniform reduction is not likely because the circumstances of industries vary so much.

Substantial wage increases, both in wage rates and fringe benefits, are even more certain, although again varying among industries and occupations. The dynamic issue of the American labor movement has always been higher wages, and the membership pressure on union leaders in this regard is perhaps greater now than ever before. No amount of talk about union statesmanship can alter this fact. However, the relation between wage, price and productivity increases is more difficult to predict. We can probably anticipate that wage increases will continue to exceed productivity increases, as they have in the past decade, and that inflation is unavoidable. On the basis of the past record, a moderate inflation (two to three per cent per annum) would pose no serious problem for the over-all economy. A more rapid inflation would create more frictions and pressure for greater governmental intervention.

Received At Our Desk

History and Politics . . .

COMMUNISM IN INDIA. By GENE D. OVERSTREET AND MARSHALL WINDMILLER. (Berkeley: University of California Press, 1959. 603 pages, bibliography, index and biographical sketches, \$10.00.)

With a poverty as abject as any found in Asia, the world's second largest population, and a restless Western-educated élite still seeking democratic solutions to enormous economic, social and political problems, India is of vital concern to the West. Upon the future development of this decade-young republic may well rest the fate of democracy in all of Southern Asia. This is well understood in Moscow, as it should be in Washington. Soviet aid and amiability, much publicized aspects of Kremlin foreign policy in the underdeveloped world since 1954, combined with a more moderate, supple attitude toward local Communist parties, have accorded communism a respectability and influence hitherto unknown in India. Since the Communist threat to India is economic and psychological, not military, it is necessary to understand the past history of communism in India in order to prepare for the future.

Messrs. Overstreet and Windmiller have written an admirable and comprehensive account of communism and the development of the Communist Party in India from the first World War down to the present. A rare combination of insight and interpretation, solidly based on meticulous scholarship, it is a research feat enhanced by the authors' personal experience in India and enriched by a lucid, trenchant literary style. It is without question the finest study available on this critical subject. As such it deserves attention and acclaim.

Relying on Soviet (and other interna-

tional Communist materials), as well as Indian sources, the authors trace the history of the Indian Communist Party from its precarious beginnings to its present strengthened position. The role of the C.P.I. is developed within the larger context of international communism. As the narrative unfolds, it becomes evident that the fortunes of the C.P.I. were compromised for more than a generation by the *a priori* requirements of Soviet foreign policy. Moscow has always considered foreign Communist parties expendable. The effects of the British Communist party in the 1920's, of the development of communism in China, and of Moscow's vacillating attitude toward the policies and problems of the C.P.I. are all analyzed and penetratingly presented.

Fascinating biographical sketches of the outstanding figures associated with the Indian Communist Party are included. They make for an absorbing narrative and represent the fruits of expert scholarly sleuthing. The story of M. N. Roy, the most important Indian Communist until his excommunication by Moscow in 1929, is developed with a skill, imagination and "feel" for the intrigues of the 1920's commanding the utmost respect of the reader.

A detailed examination of the many informative and insight-laden chapters cannot be undertaken here, but a few may be singled out for particular mention. The chapter on "The Imperialist War" traces the dissonances between the C.P.I. and Moscow in the 1939-1941 period, a period during which "the C.P.I. appears to have been responding more to its own picture of the Indian situation than to published international Communist guidance"; the one on "The People's War" ably documents the Machiavellian manner in which the C.P.I. reversed its position, in accord with Moscow's dictate (after the Nazi invasion of June, 1941), to support the British war effort in India. This placed

the C.P.I. in opposition to the Congress party under Gandhi and Nehru, who were then against any participation in the struggle against Nazism. The war also gave the C.P.I. the opportunity "to gain legal status in Indian politics." But in the process it lost much of its meager support among the masses; there are also excellent chapters on the structure and strategy of the C.P.I. since 1945, its efforts at infiltrating and subverting peasant, professional and union organizations, and its appeal for students and the educated unemployed. Thus, as the authors correctly note, "the front is a weapon with which the C.P.I. hopes to force entry into the upper classes and the intelligentsia. But it is double-edged, and if clumsily employed can endanger the Party itself."

Perhaps nowhere are the dilemmas facing Communist theoreticians and historians more uncomfortable than in their ambivalent attitude toward Gandhi. Gandhi has recently been elevated to "respectability" by Moscow; his role in India's struggle for national independence is now described as having been partially "progressive." But until 1955, Gandhi was regarded by the Soviets as a reactionary who "constantly betrayed the popular movement and by this rendered tremendous service to the British enslavers of India." The C.P.I. was faced with the nearly insurmountable task of explaining away this distorted political appraisal which was dictated by a rigid, hostile policy suited to Europe, but not to India. The fascinating account of the efforts of the C.P.I. to resolve this dilemma ("for to oppose the Mahatma was to risk the enmity of millions who adored him and responded to his political bidding") is carefully and impressively discussed by the authors.

No review can adequately reflect the wealth of information and interpretation found in this important book, which bears the imprint of objectivity, sophistication and timeliness. Communism seems to be on the move in India. Though the C.P.I. has come to power through parliamentary procedures in the state of Kerala, it is "as yet some distance from the achievement of power in all of India." Its future

will be shaped by a variety of forces, e.g., "the durability of popular confidence in parliamentary government, the ability of the Congress Party to recruit young dedicated leaders, the role of Prime Minister Nehru, and the international situation, especially relations with Pakistan." Finally, the concluding words of the authors merit serious attention: "The C.P.I. is neither monolithic nor unchanging, and it is sure to be shaped by future events in India and elsewhere. Up to now, its nature has been more Communist than Indian. But it has shown flexibility and adaptability—especially in the realm of tactics. Should it become even a little more Indian, it will be truly a force to be reckoned with."

ALVIN Z. RUBINSTEIN
University of Pennsylvania

PATTERN FOR SOVIET YOUTH: A STUDY OF THE CONGRESSES OF THE KOMSOMOL, 1918-1954. By RALPH TALCOTT FISHER, JR. (New York: Columbia University Press, 1958. 452 pages, appendix, bibliography and index, \$6.75.)

One of the distinguishing features of any totalitarian system is the all-encompassing system of government-controlled mass organizations. Particular attention is always accorded the young, for in the final analysis the stability of the regime depends upon their continued commitment to the values fostered by the ruling élite. Soviet leaders have long appreciated the necessity of "educating" their youth along lines designed to strengthen the position of the Communist Party and ensure its unquestioned domination.

Most Soviet children under 14 years of age belong to the PIONEERS, an organization similar to the Cub Scouts in the United States. From ages 14 through 25 (or older), they are organized in the Communist League of Youth, commonly referred to as the "Komsomol." This organization serves, in part, as a conveyor belt, supplying the Party with its future cadres.

Professor Fisher has written a valuable analysis of the history of the Komsomol

from its establishment in 1918 to 1954. Relying mainly on the official reports of the twelve Komsomol congresses held during this period, he traces the changing attitude of the Komsomol toward such questions as education, economic activities, and the indoctrination of Soviet youth. The size of the Komsomol has expanded from about twenty thousand in 1918 to more than nineteen million, with the great majority composed of urban youth.

The author makes interesting observations concerning the obsession of Party leaders with the problem of control over the Komsomol, the varied techniques experimented with in order to ensure discipline, and the ways used by the Komsomol to supplement the activities of the trade unions, the schools and the kolkhozes. A useful pioneer study, it bears the imprint of impressive scholarship, skillful organization and careful analysis. A.Z.R.

THE GERMAN RESISTANCE. By GERHARD RITTER. TRANSLATED BY R. T. CLARK. (New York: Frederick A. Praeger, 1958. 330 pages, bibliography and index, \$7.50.)

It was in 1945 that the Nazi state was destroyed, but already the events of the Hitler period have acquired a worn and faded quality. We live in a time of mounting tension and growing complexity, yet we must not so soon forget the suffering and destruction wrought by Nazism, and its sympathizers.

This interesting volume, ably translated from the German, is an account of the various individuals and small groups who attempted to resist Hitler and his quest for empire. Though these efforts failed they should not be lost to history; they add to our understanding of the nearly insurmountable difficulties experienced by opposition groups under a totalitarian regime.

Specifically, Dr. Ritter has focused his narrative of the German resistance movement on one of Hitler's principal civilian antagonists, Carl Goerdeler, one-time mayor of Leipzig and Cabinet Minister. There is much drama and excitement in his story. Most of the material, particu-

larly that dealing with the pre-1938 efforts of the German military to curtail Hitler's power, is not new. One cannot but sympathize with Goerdeler's tragically futile resistance movement. Lacking political support from any important faction, his was "a revolt simply of conscience."

Though the story is a tragic one, we know its outcome. The greater tragedy may lie in its lesson for today; namely, that under a system of totalitarian tyranny there does not appear to be any opportunity for an effective political opposition to arise and contest the mantle of power. A.Z.R.

GERMANY AFTER BISMARCK: THE CAPRIVI ERA, 1890-1914. By J. ALDEN NICHOLS. (Cambridge: Harvard University Press, 1958. 404 pages, bibliography and index, \$7.50.)

Under Bismarck, Germany emerged as a modern state and a Great Power in the latter part of the nineteenth century. His policies and personality could not endure the departure of "The Old Pilot." Bismarck, in his position as Chancellor, had been able to balance "the different forces of Prussian aristocracy, German particularism, and liberal nationalism." His successors could not. Therein lay the tragedy for Germany and Europe.

Dr. Nichols has written a scholarly, illuminating account of Georg Leo von Caprivi, the Prussian general who succeeded Bismarck, and of his political downfall, which was precipitated by the Junker aristocracy. Caprivi sought to emulate Bismarck's policy of divide and rule, but he lacked the ruthlessness, resourcefulness, and iron will of his predecessor. Accordingly, the Junker class, unwilling to compromise or share political power, brought about Caprivi's resignation in October, 1894.

The author's documentation is impressive. He has canvassed available material extensively, pruned its essence, and skillfully developed Germany's domestic and foreign relations during this important period. He makes clear the influence of Bismarck throughout, and the inability of Caprivi to cope with the Junkers. The author's account of German domestic politics is particularly valuable. A.Z.R.

POLICY AGAINST INFLATION. By R. F. HARROD. (New York: St. Martin's Press, 1958. 257 pages and index, \$4.75.)

The author, a noted British economist, seeks to determine the fundamental principles "that should guide economic policy in the light of the development of thinking since the war." He focuses his attention on the much discussed problem of inflation and uses the experience of Great Britain as the basis for this case study. Mr. Harrod contends that the attention devoted to inflation "has been misdirected through excessive attention to short-run expediency and the absence of well-authenticated principles of policy." In a succinct, sophisticated analysis, which is of particular interest to students of economics, he traces the development of British monetary policy and the men and the ideas which affected it, and offers a policy for the future.

A. Z. R.

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THE ORIGIN OF CIVILIZED SOCIETIES. By RUSHTON COULBORN. (Princeton: Princeton University Press, 1959. 186 pages and index, \$4.00.)

Professor Coulborn offers a painstaking analysis of what he calls the seven "primary civilized societies": the Egyptian, Mesopotamian, Indian, Cretan, Chinese, Middle American and Andean. As he inquires into the way in which civilization began, he postulates the theory that "the seven primary civilized societies were each of separate and distinct origin." Further, he believes that "Religion was the positive, the human-mental, agency of the creation of the primary civilized societies, and it has been so in the creation, or re-creation, of all civilized societies." All the primary societies were established in response to "the need of water for survival." "Religion could serve to give the settlers in great river valleys the courage to clear the land, to keep it cleared and to bring the water to it. It could also, if the proposition is true, serve to encourage settlers in a rain forest to undertake the far greater task of clearing the land. . . ."

The author outlines his thesis carefully and examines not only the primary socie-

ties but the seven secondary societies as well: the Hebrew, Graeco-Roman, Iranian, Byzantine, Western European, Islamic, and Russian. Footnotes document his point of view.

TO APPOMATTOX. NINE APRIL DAYS, 1865. By BURKE DAVIS. (New York: Rinehart and Company, 1959. 409 pages, bibliography, index, photographs and maps, \$6.00.)

Burke Davis has added to a wealth of materials his historical perspective and concern for the Confederacy and his unquestioned writing talent to produce a moving account of the last days of the War Between the States. The gallantry and the futility of the final desperate days are apparent here, thanks to Burke Davis' skillful weaving of contemporary accounts with his own narrative. This book will unquestionably find a place in the growing volume of literature of the Civil War.

OUR NEW LIFE WITH THE ATOM. By ROBERT RIENOW AND LEONA TRAIN RIENOW. (New York: Thomas Y. Crowell, 1959. 186 pages, glossary, footnotes and index, \$3.50.)

"The atom is hot. It deserves great respect, if for no other reason than pure ignorance of just how hot it is." This book describes the early effects of the atomic age; it is written for laymen by authors who hope to awaken the public to a realization of radiation's perils. Here the reader will find once again the cogent arguments for nuclear test bans, for further precautions against man-made radiation, for limits on the enormous authority of the Atomic Energy Commission. Other vested interests in the atom are discussed; the usefulness of atomic energy for economic development is questioned. "In the face of our still abysmal ignorance concerning what a radioactive world will do to us, wouldn't it be more reasonable to make some effort to pace our building of reactors with our stride in waste disposal?" "Fusion may be a reality in twenty years, making atomic fission with all its poisonous wastes quite obsolete. *Can we hold our greed in check that long?*" The question is well worth consideration and concern.

Current Documents

Supplementing the Baghdad Pact: United States Agreements with Turkey, Iran and Pakistan

On March 5, 1959, the United States signed identical bilateral executive agreements with Turkey, Iran and Pakistan, stating that in case of aggression against any one of these states the United States would come to their assistance if asked to do so, taking "such appropriate action, including the use of armed forces, as may be mutually agreed upon. . . ." The complete text of the agreement with Turkey follows. The other agreements are identical except for the name of the country concerned in each case.

Agreement of Cooperation Between the Government of the United States of America and the Government of Turkey

The Government of the United States of America and the Government of Turkey,

Desiring to implement the Declaration in which they associated themselves at London on July 28, 1958;

Considering that under Article I of the Pact of Mutual Cooperation signed at Baghdad on February 24, 1955, the parties signatory thereto agree to cooperate for their security and defense, and that, similarly, as stated in the above-mentioned Declaration, the Government of the United States of America, in the interest of world peace, agreed to cooperate with the Governments making that Declaration for their security and defense;

Recalling that, in the above-mentioned Declaration, the members of the Pact of Mutual Cooperation making that Declaration affirmed their determination to maintain collective security and to resist aggression, direct or indirect;

Considering further that the Government of the United States of America is associated with the work of the major committees of the Pact of Mutual Cooperation signed at Baghdad on February 24, 1955;

Desiring to strengthen peace in accordance with the principles of the Charter of the United Nations;

Affirming their right to cooperate for their security and defense in accordance with Article 51 of the Charter of the United Nations;

Considering that the Government of the

United States of America regards as vital to its national interest and to world peace the preservation of the independence and integrity of Turkey;

Recognizing the authorization to furnish appropriate assistance granted to the President of the United States of America by the Congress of the United States of America in the Mutual Security Act of 1954, as amended, and in the Joint Resolution to Promote Peace and Stability in the Middle East; and

Considering that similar agreements are being entered into by the Government of the United States of America and the Governments of Iran and Pakistan, respectively,

Have agreed as follows:

Article I

The Government of Turkey is determined to resist aggression. In case of aggression against Turkey, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Turkey at its request.

Article II

The Government of the United States of America, in accordance with the Mutual Security Act of 1954, as amended, and related laws of the United States of America, and with applicable agreements heretofore or

hereafter entered into between the Government of the United States of America and the Government of Turkey, reaffirms that it will continue to furnish the Government of Turkey such military and economic assistance as may be mutually agreed upon between the Government of the United States of America and the Government of Turkey, in order to assist the Government of Turkey in the preservation of its national independence and integrity and in the effective promotion of its economic development.

Article III

The Government of Turkey undertakes to utilize such military and economic assistance as may be provided by the Government of the United States of America in a manner consonant with the aims and purposes set forth by the Governments associated in the Declaration signed at London on July 28, 1958, and for the purpose of effectively promoting the economic development of Turkey and of preserving its national independence and integrity.

Article IV

The Government of the United States of America and the Government of Turkey will

cooperate with the other Governments associated in the Declaration signed at London on July 28, 1958, in order to prepare and participate in such defensive arrangements as may be mutually agreed to be desirable, subject to the other applicable provisions of this Agreement.

Article V

The provisions of the present Agreement do not affect the cooperation between the two Governments as envisaged in other international agreements or arrangements.

Article VI

This Agreement shall enter into force upon the date of its signature and shall continue in force until one year after the receipt by either Government of written notice of the intention of the other Government to terminate the Agreement.

Done in duplicate at Ankara, this fifth day of March, 1959.

For the Government
of the United States
of America:

FLETCHER WARREN
(Ambassador
to Turkey)

For the Government
of the Republic
of Turkey:

FATIN RUSTU ZORLU
(Foreign Minister)

The Supreme Court Rules on Double Jeopardy

*As Attorney General William P. Rogers summarized two decisions of the Supreme Court handed down on March 30: "... The Supreme Court of the United States reaffirmed the existence of a power to prosecute a defendant under both Federal and state law for the same act or acts," i.e., to try a person twice for the same offense. The complete text¹ of one of these decisions, *Bartkus v. Illinois*, and the complete text of Justice Black's dissent are reprinted here. The decision of the Court was 5 to 4. Justice Brennan delivered a separate dissenting opinion, omitted here for reasons of space.*

THE OPINION OF THE MAJORITY

MR. JUSTICE FRANKFURTER delivered the opinion of the Court.

Petitioner was tried in the Federal District Court for the Northern District of Illinois on December 18, 1953, for robbery of a federally insured savings and loan association, the General Savings and Loan Association of

Cicero, Illinois, in violation of 18 U. S. C. § 2113. The case was tried to a jury and resulted in an acquittal. On January 8, 1954, an Illinois grand jury indicted Bartkus. The facts recited in the Illinois indictment were substantially identical to those contained in the prior federal indictment. The Illinois indictment charged that these facts

¹Footnotes are omitted.

constituted a violation of Illinois Revised Statutes, 1951, c. 38, § 501, a robbery statute. Bartkus was tried and convicted in the Criminal Court of Cook County and was sentenced to life imprisonment under the Illinois Habitual Criminal Statute. Ill. Rev. Stat., 1951, c. 38, § 602.

The Illinois trial court considered and rejected petitioner's plea of *autrefois acquit* [already acquitted]. That ruling and other alleged errors were challenged before the Illinois Supreme Court which affirmed the conviction. 7 Ill. 2d 138, 130 N. E. 2d 187. We granted certiorari because the petition raised a substantial question concerning the application of the Fourteenth Amendment. 352 U. S. 907, 958. On January 6, 1958, the judgment below was affirmed by an equally divided Court. 355 U. S. 281. On May 26, 1958, the Court granted a petition for rehearing, vacated the judgment entered January 6, 1958, and restored the case to the calendar for reargument. 356 U. S. 969.

The state and federal prosecutions were separately conducted. It is true that the agent of the Federal Bureau of Investigation who had conducted the investigation on behalf of the Federal Government turned over to the Illinois prosecuting officials all the evidence he had gathered against the petitioner. Concededly, some of that evidence had been gathered after acquittal in the federal court. The only other connection between the two trials is to be found in a suggestion that the federal sentencing of the accomplices who testified against petitioner in both trials was purposely continued by the federal court until after they testified in the state trial. The record establishes that the prosecution was undertaken by state prosecuting officials within their discretionary responsibility and on the basis of evidence that conduct contrary to the penal code of Illinois had occurred within their jurisdiction. It establishes also that federal officials acted in cooperation with state authorities, as is the conventional practice between the two sets of prosecutors throughout the country. It does not support the claim that the State of Illinois in bringing its prosecution was merely a tool of the federal authorities, who thereby avoided the prohibition of the Fifth Amendment against a retrial of a federal prosecution after an acquittal. It does not sustain a con-

clusion that the state prosecution was a sham and a cover for a federal prosecution, and thereby in essential fact another federal prosecution.

Since the new prosecution was by Illinois, and not by the Federal Government, the claim of unconstitutionality must rest upon the Due Process Clause of the Fourteenth Amendment. Prior cases in this Court relating to successive state and federal prosecutions have been concerned with the Fifth Amendment, and the scope of its proscription of second prosecutions by the Federal Government, not with the Fourteenth Amendment's effect on state action. We are now called upon to draw on the considerations which have guided the Court in applying the limitations of the Fourteenth Amendment on state powers. We have held from the beginning and uniformly that the Due Process Clause of the Fourteenth Amendment does not apply to the States any of the provisions of the first eight amendments as such. The relevant historical materials have been canvassed by this Court and by legal scholars. These materials demonstrate conclusively that Congress and the members of the legislatures of the ratifying States did not contemplate that the Fourteenth Amendment was a short-hand incorporation of the first eight amendments making them applicable as explicit restrictions upon the States.

Evidencing the interpretation by both Congress and the States of the Fourteenth Amendment is a comparison of the constitutions of the ratifying States with the Federal Constitution. Having regard only to the grand jury guarantee of the Fifth Amendment, the criminal jury guarantee of the Sixth Amendment, and the civil jury guarantee of the Seventh Amendment, it is apparent that if the first eight amendments were being applied verbatim to the States, ten of the thirty ratifying States would have impliedly been imposing upon themselves constitutional requirements on vital issues of state policies contrary to those present in their own constitutions. Or, to approach the matter in a different way, they would be covertly altering provisions of their own constitutions in disregard of the amendment procedures required by those constitutions. Five other States would have been undertaking procedures not in conflict with but not required by

their constitutions. Thus only one-half, or fifteen, of the ratifying States had constitutions in explicit accord with these provisions of the Fifth, Sixth, and Seventh Amendments. Of these fifteen, four made alterations in their constitutions by 1875 which brought them into important conflict with one or more of these provisions of the Federal Constitution. One of the States whose constitution had not included any provision on one of the three procedures under investigation adopted a provision in 1890 which was inconsistent with the Federal Constitution. And so by 1890 only eleven of the thirty ratifying States were in explicit accord with these provisions of the first eight amendments to the Federal Constitution. Four were silent as to one or more of the provisions and fifteen were in open conflict with these same provisions.

Similarly imposing evidence of the understanding of the Due Process Clause is supplied by the history of the admission of the twelve States entering the Union after the ratification of the Fourteenth Amendment. In the case of each, Congress required that the State's constitution be "not repugnant" to the Constitution of the United States. Not one of the constitutions of the twelve States contains all three of the procedures relating to grand jury, criminal jury, and civil jury. In fact all twelve have provisions obviously different from the requirements of the Fifth, Sixth, or Seventh Amendments. And yet, in the case of each admission, either the President of the United States, or Congress, or both have found that the constitution was in conformity, with the Enabling Act and the Constitution of the United States. Nor is there warrant to believe that the States in adopting constitutions with the specific purpose of complying with the requisites of admission were in fact evading the demands of the Constitution of the United States.

Surely this compels the conclusion that Congress and the States have always believed that the Due Process Clause brought into play a basis of restrictions upon the States other than the undisclosed incorporation of the original eight amendments. In *Hurtado v. California*, 110 U. S. 516, this Court considered due process in its historical setting, reviewed its development as a concept in Anglo-American law from the time of the

Magna Carta until the time of the adoption of the Fourteenth Amendment and concluded that it was intended to be a flexible concept, responsive to thought and experience—experience which is reflected in a solid body of judicial opinion, all manifesting deep convictions to be unfolded by a process of "inclusion and exclusion." *Davidson v. New Orleans*, 96 U. S. 97, 104. Time and again this Court has attempted by general phrases not to define but to indicate the purport of due process and to adumbrate the continuing adjudicatory process in its application. The statement by Mr. Justice Cardozo in *Palko v. Connecticut*, 302 U. S. 319, has especially commended itself and been frequently cited in later opinions. Referring to specific situations, he wrote:

In these and other situations immunities that are valid as against the federal government by force of the specific pledges of particular amendments have been found to be implicit in the concept of ordered liberty, and thus, through the Fourteenth Amendment, become valid as against the states. 302 U. S., at 324-325.

About the meaning of due process, in broad perspective unrelated to the first eight amendments, he suggested that it prohibited to the States only those practices "repugnant to the conscience of mankind." 302 U. S., at 323. In applying these phrases in *Palko*, the Court ruled that, while at some point the cruelty of harassment by multiple prosecutions by a State would offend due process, the specific limitation imposed on the Federal Government by the Double Jeopardy Clause of the Fifth Amendment did not bind the States.

Decisions of this Court concerning the application of the Due Process Clause reveal the necessary process of balancing relevant and conflicting factors in the judicial application of that Clause. In *Chambers v. Florida*, 309 U. S. 227, we held that a state conviction of murder was void because it was based upon a confession elicited by applying third-degree methods to the defendant. But we have also held that a second execution necessitated by a mechanical failure in the first attempt was not in violation of due process. *Louisiana ex rel. Francis v. Resweber*, 329 U. S. 459. Decisions under the Due Process Clause require close and perceptive inquiry into fundamental principles of our society.

The Anglo-American system of law is based not upon transcendental revelation but upon the conscience of society ascertained as best it may be by a tribunal disciplined for the task and envired by the best safeguards for disinterestedness and detachment.

Constitutional challenge to successive state and federal prosecutions based upon the same transaction or conduct is not a new question before the Court though it has now been presented with conspicuous ability. The Fifth Amendment's proscription of double jeopardy has been invoked and rejected in over twenty cases of real or hypothetical successive state and federal prosecution cases before this Court. While *United States v. Lanza*, 260 U. S. 377, was the first case in which we squarely held valid a federal prosecution arising out of the same facts which had been the basis of a state conviction, the validity of such a prosecution by the Federal Government has not been questioned by this Court since the opinion in *Fox v. Ohio*, 5 How. 410, more than one hundred years ago.

In *Fox v. Ohio* argument was made to the Supreme Court that an Ohio conviction for uttering counterfeit money was invalid. This assertion of invalidity was based in large part upon the argument that since Congress had imposed federal sanctions for the counterfeiting of money, a failure to find that the Supremacy Clause precluded the States from punishing related conduct would expose an individual to double punishment. Mr. Justice Daniel, writing for the Court (with Mr. Justice McLean dissenting), recognized as true that there was a possibility of double punishment, but denied that from this flowed a finding of pre-emption, concluding instead that both the Federal and State Governments retained the power to impose criminal sanctions, the United States because of its interest in protecting the purity of its currency, the States because of their interest in protecting their citizens against fraud.

In some eight state cases decided prior to *Fox* the courts of seven States had discussed the validity of successive state and federal prosecutions. In three, Missouri, North Carolina, and Virginia it had been said that there would be no plea in bar to prevent the second prosecution. Discussions in two cases in South Carolina were in conflict—the earlier opinion expressing belief that there

would be a bar, the later, without acknowledging disagreement with the first, denying the availability of a plea in bar. In three other States, Vermont, Massachusetts, and Michigan, courts had stated that a prosecution by one government would bar prosecution by another government of a crime based on the same conduct. The persuasiveness of the Massachusetts and Michigan decisions is somewhat impaired by the precedent upon which they relied in their reasoning. In the Supreme Court case cited in the Massachusetts and Michigan cases, *Houston v. Moore*, 5 Wheat. 1, there is some language to the effect that there would be a bar to a second prosecution by a different government. 5 Wheat., at 31. But that language by Mr. Justice Washington reflected his belief that the state statute imposed state sanctions for violation of a federal criminal law. 5 Wheat., at 28. As he viewed the matter, the two trials would not be of similar crimes arising out of the same conduct; they would be of the same crime. Mr. Justice Johnson agreed that if the state courts had become empowered to try the defendant for the federal offense, then such a state trial would bar a federal prosecution. 5 Wheat., at 35. Thus *Houston v. Moore* can be cited only for the presence of a bar in a case in which the second trial is for a violation of the very statute whose violation by the same conduct has already been tried in the courts of another government empowered to try that question.

The significance of this historical background of decisions prior to *Fox* is that it was, taking a position most favorable to advocates of the bars of *autrefois acquit* and *autrefois convict* in cases like that before this Court, totally inconclusive. Conflicting opinions concerning the applicability of the plea in bar may manifest conflict in conscience. They certainly do not manifest agreement that to permit successive state and federal prosecutions for different crimes arising from the same acts would be repugnant to those standards of outlawry which offend the conception of due process outlined in *Palko*. (It is worth noting that *Palko* sustained a first degree murder conviction returned in a second trial after an appeal by the State from an acquittal of first degree murder.) The early state decisions had clarified the

issue by stating the opposing arguments. The process of this Court's response to the Fifth Amendment challenge was begun in *Fox v. Ohio*, continued in *United States v. Margold*, 9 How. 560; and was completed in *Moore v. Illinois*, 14 How. 13. Mr. Justice Grier, writing for the Court in *Moore v. Illinois*, gave definitive statement to the rule which had been evolving:

An offence, in its legal signification, means the transgression of a law. 14 How., at 19.

Every citizen of the United States is also a citizen of a State or territory. He may be said to owe allegiance to two sovereigns, and may be liable to punishment for an infraction of the laws of either. The same act may be an offence or transgression of the laws of both. 14 How., at 20.

That either or both may (if they see fit) punish such an offender, cannot be doubted. Yet it cannot be truly averred that the offender has been twice punished for the same offence; but only that by one act he has committed two offences, for each of which he is justly punishable. He could not plead the punishment by one in bar to a conviction by the other. *Ibid.*

In a dozen cases decided by this Court between *Moore v. Illinois* and *United States v. Lanza* this Court had occasion to reaffirm the principle first enunciated in *Fox v. Ohio*. Since *Lanza* the Court has five times repeated the rule that successive state and federal prosecutions are not in violation of the Fifth Amendment. Indeed Mr. Justice Holmes once wrote of this rule that it "is too plain to need more than statement." One of the post-*Lanza* cases, *Jerome v. United States*, 318 U. S. 101, involved the same federal statute under which Bartkus was indicted and in *Jerome* this Court recognized that successive state and federal prosecutions were thereby made possible because all States had general robbery statutes. Nonetheless, a unanimous Court, as recently as 1943, accepted as unquestioned constitutional law that such successive prosecutions would not violate the proscription of double jeopardy included in the Fifth Amendment. 318 U. S., at 105.

The lower federal courts have of course been in accord with this Court. Although some can be cited only in that they follow the decisions of this Court, others manifest reflection upon the issues involved and express

reasoned approval of the two-sovereignty principle. In *United States v. Barnhart*, 22 F. 285, the Oregon Circuit Court was presented with a case just the obverse of the present one: the prior trial and acquittal was by a state court; the subsequent trial was by a federal court. The Circuit Court rejected defendant's plea of *autrefois acquit*, saying that the hardship of the second trial might operate to persuade against the bringing of a subsequent prosecution but could not bar it.

The experience of state courts in dealing with successive prosecutions by different governments is obviously also relevant in considering whether or not the Illinois prosecution of Bartkus violated due process of law. Of the twenty-eight States which have considered the validity of successive state and federal prosecutions as against a challenge of violation of either a state constitutional double-jeopardy provision or a common-law evidentiary rule of *autrefois acquit* and *autrefois convict*, twenty-seven have refused to rule that the second prosecution was or would be barred. These States were not bound to follow this Court and its interpretation of the Fifth Amendment. The rules, constitutional, statutory, or common law which bound them drew upon the same experience as did the Fifth Amendment, but were and are of separate and independent authority.

Not all of the state cases have manifest careful reasoning for in some of them the language concerning double jeopardy is but off-hand dictum. But in an array of state cases there may be found full consideration of the arguments supporting and denying a bar to a second prosecution. These courts interpreted their rules as not proscribing that second prosecution where the first was by a different government and for violation of a different statute.

With this body of precedent as irrefutable evidence that state and federal courts have for years refused to bar a second trial even though there had been a prior trial by another government for a similar offense, it would be disregard of a long, unbroken, unquestioned course of impressive adjudication for the Court now to rule that due process compels such a bar. A practical justification for rejecting such a reading of due process also commends itself in aid of this interpre-

tation of the Fourteenth Amendment. In *Screws v. United States*, 325 U. S. 91, defendants were tried and convicted in a federal court under federal statutes with maximum sentences of a year and two years respectively. But the state crime there involved was a capital offense. Were the federal prosecution of a comparatively minor offense to prevent state prosecution of so grave an infraction of state law, the result would be shocking and untoward deprivation of the historic right and obligation of the States to maintain peace and order within their confines. It would be in derogation of our federal system to displace the reserved power of States over state offenses by reason of prosecution of minor federal offenses by federal authorities beyond the control of the States.

Some recent suggestions that the Constitution was in reality a deft device for establishing a centralized government are not only without factual justification but fly in the face of history. It has more accurately been shown that the men who wrote the Constitution as well as the citizens of the member States of the Confederation were fearful of the power of centralized government and sought to limit its power. Mr. Justice Brandeis has written that separation of powers was adopted in the Constitution "not to promote efficiency but to preclude the exercise of arbitrary power." Time has not lessened the concern of the Founders in devising a federal system which would likewise be a safeguard against arbitrary government. The greatest self-restraint is necessary when that federal system yields results with which a court is in little sympathy.

The entire history of litigation and conten-

tion over the question of the imposition of a bar to a second prosecution by a government other than the one first prosecuting is a manifestation of the evolutionary unfolding of law. Today a number of States have statutes which bar a second prosecution if the defendant has been once tried by another government for a similar offense. A study of the cases under the New York statute, which is typical of these laws, demonstrates that the task of determining when the federal and state statutes are so much alike that a prosecution under the former bars a prosecution under the latter is a difficult one. The proper solution of that problem frequently depends upon a judgment of the gravamen of the state statute. It depends also upon an understanding of the scope of the bar that has been historically granted in the State to prevent successive state prosecutions. Both these problems are ones with which the States are obviously more competent to deal than is this Court. Furthermore, the rules resulting will intimately affect the efforts of a State to develop a rational and just body of criminal law in the protection of its citizens. We ought not to utilize the Fourteenth Amendment to interfere with this development. Finally, experience such as that of New York may give aid to Congress in its consideration of adoption of similar provisions in individual federal criminal statutes or in the federal criminal code.

Precedent, experience, and reason all support the conclusion that Alfonse Bartkus has not been deprived of due process of law by the State of Illinois.

Affirmed

JUSTICE BLACK'S DISSENT

MR. JUSTICE BLACK, with whom THE CHIEF JUSTICE and MR. JUSTICE DOUGLAS concur, dissenting.

Petitioner, Bartkus, was indicted in a United States District Court for bank robbery. He was tried by a jury and acquitted. So far as appears the trial was conducted fairly by an able and conscientious judge. Later, Bartkus was indicted in an Illinois state court for the same bank robbery. This time he was convicted and sentenced to life imprisonment. His acquittal in the federal

court would have barred a second trial in any court of the United States because of the provision in the Fifth Amendment that no person "shall be subject for the same offense to be twice put in jeopardy of life or limb." The Court today rejects Bartkus' contention that his state conviction after a federal acquittal violates the Fourteenth Amendment to our Constitution. I cannot agree.

The Court's holding further limits our already weakened constitutional guarantees against double prosecutions. *United States v. Lanza*, 260 U. S. 377, decided in 1922, allowed federal conviction and punishment

of a man who had been previously convicted and punished for the identical acts by one of our States. Today, for the first time in history, this Court upholds the state conviction of a defendant who had been *acquitted* of the same offense in the federal courts. I would hold that a federal trial following either state acquittal or conviction is barred by the Double Jeopardy Clause of the Fifth Amendment. *Abbate v. United States*,—U. S.—(dissenting opinion). And, quite apart from whether that clause is as fully binding on the States as it is on the Federal Government, see *Adamson v. California*, 332 U. S. 46, 68 (dissenting opinion), I would hold that Bartkus' conviction cannot stand. For I think double prosecutions for the same offense are so contrary to the spirit of our free country that they violate even the prevailing view of the Fourteenth Amendment, expressed in *Palko v. Connecticut*, 302 U. S. 319.¹

The Fourteenth Amendment, this Court said in *Palko*, does not make all of the specific guarantees of the Bill of Rights applicable to the States. But, the Court noted, some of "the privileges and immunities" of the Bill of Rights, "have been taken over . . . and brought within the Fourteenth Amendment by a process of absorption." 302 U. S., at 326. The Court indicated that incorporated in due process were those "principle[s] of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental." 302 U. S., at 325. It then held that a statute allowing a State to appeal in a criminal case did not violate such fundamental principles. But it expressly left open the question of whether "the state [could be] permitted after a trial free from error to try the accused over again." 302 U. S., at 328. That question is substantially before us today.

Fear and abhorrence of governmental power to try people twice for the same conduct is one of the oldest ideas found in western civilization. Its roots run deep into Greek and Roman times. Even in the Dark Ages, when so many other principles of justice were lost, the idea that one trial and one

punishment were enough remained alive through the canon law and the teachings of the early Christian writers. By the thirteenth century it seems to have been firmly established in England, where it came to be considered as a "universal maxim of the common law." It is not surprising, therefore, that the principle was brought to this country by the earliest settlers as part of their heritage of freedom, and that it has been recognized here as fundamental again and again. Today it is found, in varying forms, not only in the Federal Constitution, but in the jurisprudence or constitutions of every State, as well as most foreign nations. It has, in fact, been described as a part of all advanced systems of law and as one of those universal principles "of reason, justice, and conscience, of which Cicero said: 'Nor is it one thing at Rome and another at Athens, one now and another in the future, but among all nations it is the same.'" While some writers have explained the opposition to double prosecutions by emphasizing the injustice inherent in two punishments for the same act, and others have stressed the dangers to the innocent from allowing the full power of the state to be brought against them in two trials, the basic and recurring theme has always simply been that it is wrong for a man to "be brought into Danger for the same Offence more than once." Few principles have been more deeply "rooted in the traditions and conscience of our people."

The Court apparently takes the position that a second trial for the same act is somehow less offensive if one of the trials is conducted by the Federal Government and the other by a State. Looked at from the standpoint of the individual who is being prosecuted, this notion is too subtle for me to grasp. If double punishment is what is feared, it hurts no less for two "Sovereigns" to inflict it than for one. If danger to the innocent is emphasized, that danger is surely no less when the power of State and Federal Governments is brought to bear on one man in two trials than when one of these "Sovereigns" proceeds alone. In each case, inescapably, a man is forced to face danger twice for the same conduct.

The Court, without denying the almost universal abhorrence of such double prosecutions, nevertheless justifies the practice here

¹ While I participated in the Court's holding and opinion in *Palko* I have since expressed my disagreement with both, as has Mr. JUSTICE DOUGLAS. *Adamson v. California*, 332 U. S. 46, 68 (dissenting opinion). See also *Rochin v. California*, 342 U. S. 165, 174, 177 (concurring opinions); *Hoag v. New Jersey*, 356 U. S. 464, 477, 480, n. 5 (dissenting opinion).

in the name of "federalism." This, it seems to me, is a misuse and desecration of the concept. Our Federal Union was conceived and created "to establish Justice" and to "secure the Blessings of Liberty," not to destroy any of the bulwarks on which both freedom and justice depend. We should, therefore, be suspicious of any supposed "requirements" of "federalism" which result in obliterating ancient safeguards. I have been shown nothing in the history of our Union, in the writings of its Founders, or elsewhere, to indicate that individual rights deemed essential by both State and Nation were to be lost through the combined operations of the two governments. Nor has the Court given any sound reason for thinking that the successful operation of our dual system of government depends in the slightest on the power to try people twice for the same act.

Implicit in the Court's reliance on "federalism" is the premise that failure to allow double prosecutions would seriously impair law enforcement in both State and Nation. For one jurisdiction might provide minor penalties for acts severely punished by the other and by accepting pleas of guilty shield wrongdoers from justice. I believe this argument fails on several grounds. In the first place it relies on the unwarranted assumption that State and Nation will seek to subvert each other's laws. It has elsewhere been persuasively argued that most civilized nations do not and have not needed the power to try people a second time to protect themselves even when dealing with foreign lands. It is inconceivable to me, as it was to the Constitutional Court of South Carolina in 1816, that "If this prevails among nations who are strangers to each other, [it could] fail to [prevail] with us who are so intimately bound by political ties." *State v. Antonio*, 2 Treadway's Const. Rep. (S. C.) 776, 781. Cf. *Testa v. Katt*, 330 U. S. 386.

The Court's argument also ignores the fact that our Constitution allocates power between local and federal governments in such a way that the basic rights of each can be protected without double trials. The Federal Government is given power to act in limited areas only, but in matters properly within its scope it is supreme. It can retain exclusive control of such matters, or grant the States concurrent power on its own terms.

If the States were to subvert federal laws in these areas by imposing inadequate penalties, Congress would have full power to protect the national interest, either by defining the crime to be punished and establishing minimum penalties applicable in both state and federal courts, or by excluding the States altogether. Conversely, in purely local matters the power of the States is supreme and exclusive. State courts can and should, therefore, protect all essentially local interests in one trial without federal interference. Cf. *Rutkin v. United States*, 343 U. S. 130, 139 (dissenting opinion). In areas, however, where the Constitution has vested power in the Federal Government the States necessarily act only to the extent Congress permits, and it is no infringement on their basic rights if Congress chooses to fix penalties smaller than some of them wish. In fact, this will rarely occur, for Congress is not likely to use indirect means to limit state power when it could accomplish the same result directly by pre-empting the field.

Ultimately the Court's reliance on federalism amounts to no more than the notion that, somehow, one act becomes two because two jurisdictions are involved. Hawkins, in his Pleas of the Crown, long ago disposed of a similar contention made to justify two trials for the same offense by different countries as "a mere Fiction or Construction of Law, which shall hardly take Place against a Maxim made in Favour of Life." It was discarded as a dangerous fiction then, it should be discarded as a dangerous fiction now.

To bolster its argument that successive state and federal prosecutions do not violate basic principles of justice, the Court cites many cases. It begins with eight early state decisions which, it says, "clarified the issue by stating opposing arguments." Four of these cases held that prosecution by one government must bar subsequent prosecutions elsewhere. Two of the remaining four refused to hold that concurrent jurisdiction could exist since they feared that such a holding might bring about two trials for the same offense, a result they considered too shocking to tolerate. "This is against natural justice," said the North Carolina Superior Court in 1794, "and therefore I cannot believe it to be law." The seventh case cited

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Urbana, Illinois

is an inconclusive discussion coming from a State whose highest court had previously stated unequivocally, that a bar against double prosecutions would exist. Thus only one of these early state cases actually approves the doctrine the Court today advances, and that approval is in dicta. Significantly, the highest court of the same State later expressed the view that such double trials would virtually never occur in our country.

The Court relies mainly, however, on a later line of decisions starting with *Fox v. Ohio*, 5 How. 410. Most of these, like *Fox* itself, involved only the question of whether both State and Federal Governments could make the same conduct a crime. Although some, in dicta, admitted the possibility that double prosecutions might result from such concurrent power, others did not discuss the question. Many, especially among the earlier cases, pointed out that double punishment violates the genius of our free country and therefore would never occur. As Chief Justice Taney, on circuit, said in one of them "Yet in all civilized countries it is recognized as a fundamental principle of justice that a man ought not to be punished twice for the same offense; and if this party had been punished . . . in the state tribunal, the court would have felt it to be its duty to suspend sentence, and to represent the facts to the president, to give him an opportunity of . . . granting pardon." While a limited number of cases after *Fox* are cited in which a double conviction was upheld, in several of these the second court was so troubled by the result that only nominal sentences were imposed. In fact, before *United States v. Lanza*, 260 U. S. 377 (1922), where this Court upheld and encouraged the practice, the cases of actual double punishment found are so few, in relation to the great mass of criminal cases decided, that one can readily discern an instinctive unwillingness to impose such hardships on defendants.

Despite its exhaustive research, the Court has cited only three cases before *Lanza* where a new trial after an *acquittal* was upheld. In one of these, *United States v. Barnhart*, 22 F. 285, the state court in which the defendant had been acquitted did not have jurisdiction of the action. The Federal Circuit Court relied on this lack of jurisdiction in allowing a retrial, but made an alternate

holding based on the same general arguments used by the Court today. The *Barnhart* opinion also intimated that the first trial may have been a sham. Sham trials, as well as those by courts without jurisdiction, have been considered by courts and commentators not to be jeopardy, and might therefore not bar subsequent convictions. In the second case cited by the Court, the state conviction followed acquittal by a federal court-martial at a time when, as the state court seemed to recognize, a military trial was thought by many not to be a trial for the purpose of double jeopardy even when both trials were conducted by the same "Sovereign." The third case relied on, a 1915 decision from the State of Washington, is the only one of the three where it can fairly be said that a defendant acquitted in a proper jury trial was subsequently tried again by a jury and convicted.

One may, I think, infer from the fewness of the cases that retrials after acquittal have been considered particularly obnoxious, worse even, in the eyes of many, than retrials after conviction. I doubt, in fact, if many practices which have been found to violate due process can boast of so little actual support. Yet it is on this meager basis that the Court must ultimately rest its finding that Bartkus' retrial does not violate fundamental principles "rooted in the traditions and conscience of our peoples." Nor are these scattered and dubious cases unchallenged, for, balanced against them, we have a firm holding by this Court sustaining an extremely narrow construction of a federal statute in order to make a state acquittal conclusive in the federal courts and thereby avoid the evil approved today. *United States v. Mason*, 213 U. S. 115. That case, as well as the "sacred duty . . . to maintain unimpaired those securities for the personal rights of the individual which have received for ages the sanction of the jurist and the statesman," *Ex parte Lange*, 18 Wall. 163, 178, should make us doubly hesitant to encourage so blatant a violation of constitutional policies against double trials by giving an "illiberal construction . . . to the words

of the fundamental law in which they are embodied." *Ibid*.

Since *Lanza* people have apparently become more accustomed to double trials, once deemed so shocking, just as they might, in time, adjust themselves to all other violations of the Bill of Rights should they be sanctioned by this Court. The Court is therefore able to find a 1943 state case, as well as four federal cases in the last five years, in which a conviction following acquittal was sustained. Thus this practice, which for 150 years was considered so undesirable that the Court must strain to find examples, is now likely to become a commonplace. For, after today, who will be able to blame a conscientious prosecutor for failing to accept a jury verdict of acquittal when he believes a defendant guilty and knows that a second try is available in another jurisdiction and that such a second try is approved by the Highest Court in the Land? Inevitably, the victims of such double prosecutions will most often be the poor and the weak in our society, individuals without friends in high places who can influence prosecutors not to try them again. The power to try a second time will be used, as have all similar procedures, to make scapegoats of helpless, political, religious, or racial minorities and those who differ, who do not conform and who resist tyranny. See *Chambers v. Florida*.

There are some countries that allow the dangerous practice of trying people twice. I am inserting below a recent news item about a man who was tried, convicted, sentenced to prison and then was tried again, convicted and sentenced to death. Similar examples are not hard to find in lands torn by revolution or crushed by dictatorship. I had thought that our constitutional protections embodied in the Double Jeopardy and Due Process Clauses would have barred any such things happening here. Unfortunately, last year's holdings by this Court in *Ciucci v. Illinois*, 356 U. S. 571, and *Hoag v. New Jersey*, 356 U. S. 464, and today's affirmance of the convictions of Bartkus and Abbate cause me to fear that in an important number of cases it can happen here.

I would reverse.

"The slight surface roughness of the earth is what makes it possible for man to exist on our planet."—From a Twentieth Century Fund Report.

The Month In Review

INTERNATIONAL

Berlin Crisis

(See also *Warsaw Pact.*)

April 1—The foreign ministers of France, Britain and West Germany, and the U.S. Acting Secretary of State conclude a 2-day meeting in Washington, where plans for foreign ministers' and summit conferences were laid.

The Soviet Union warns the U.S. that the 10,000 foot ceiling on Allied planes flying to Berlin over the East German air corridors must be respected, or further incidents will be risked.

Nato Secretary General Paul-Henri Spaak opposes "neutralization" of Germany and risking a "diplomatic defeat in Berlin" for the West.

April 2—U.N. Secretary General Dag Hammarskjöld laments the danger in the Berlin situation but is hopeful that "a serious will to negotiate" guides Big Four foreign policy.

U.S. Acting Secretary of State Christian A. Herter tells a closed session of the Nato council meeting in Washington that the U.S. will use all its military force for their defense if necessary. However, he asserts that the Berlin crisis can be solved without violence.

April 4—The foreign ministers of the 15 member Nato nations, meeting in Washington to commemorate the tenth anniversary of the Atlantic Alliance, issue a communiqué after a 3-day meeting on the Berlin crisis. The ministers unanimously uphold West Berlin's freedom.

Moscow accuses the Nato ministers, who pledged their support of Allied firmness toward Berlin, of maintaining the "cold war."

In a note to the Soviet Union, the U.S. insists that it will not accept a 10,000 foot limit on air flights to Berlin. The Soviet Union says that the limit is necessary for air safety; the space above that ceiling is reserved for Soviet flights.

April 6—British Foreign Secretary Selwyn Lloyd (returning to London) discloses that the Allies have not agreed on a West Berlin policy. However, he points out that there is no disagreement because there "was never any final agreement."

April 7—West German Chancellor Adenauer decides to resign so that he may run for the presidency (see also *West Germany*).

April 14—It is announced that on April 3 an unarmed U.S. plane en route to Berlin was buzzed by Soviet jets. The U.S. plane was flying at an altitude of 12,000 feet.

British Prime Minister Macmillan and French Premier Debré end two days of talks on a note of mutual satisfaction.

April 15—Foreign Secretary Lloyd tells the British House of Commons that the government favorably regards the Soviet proposal for an arms limit in the Central European zone.

A U.S. turbo-prop, flying above the 10,000 foot maximum ceiling set by the Soviet Union on Allied air routes to West Berlin, is escorted on its eastbound and westbound trips by Soviet MIG's.

April 16—U.S. Defense Secretary Neil H. McElroy states that U.S. turbo-props which are flying higher than 10,000 feet are being used on Berlin flights for purposes of economy, not provocation.

April 17—Reliable sources report that West Germany will veto any proposal for a confederate Germany.

April 24—Delegates from the Western Big Four powers end talks in London after 12 days. The working group is reported to have reached some agreement on Allied policy on Berlin and on a program for German reunification.

April 26—According to authoritative sources, Britain has suggested the establishment of an aerial inspection zone from Paris to Moscow, with inspection by ground teams in a narrow strip in Central Europe (including West Germany). It is believed

that the Allies will tie a limited arms inspection program to German reunification.

It is reported that German Chancellor Adenauer remains opposed to an arms free, Central European zone, and to the U.S. proposal for an East-West, all-German agency to work out the problems of reunification.

April 29—The foreign ministers of France, Britain, West Germany and the U.S. meet in Paris to formulate a unified policy on Berlin. The 4 ministers order a 4-power working group to draft a package deal of Allied proposals for settling the Berlin and German questions.

British Field Marshal Viscount Montgomery unofficially visits the Soviet Union and talks for 2 hours with Soviet Premier Nikita S. Khrushchev.

April 30—It is announced that last week the U.S. State and Defense Departments decided to halt flights to Berlin above the 10,000 foot ceiling.

The Big Four Western foreign ministers in Paris announce "complete agreement" on their determination to maintain West Berlin's freedom. However, strategy to be used in negotiating with the Soviet Union has not been settled, according to a spokesman.

Britisher Montgomery reveals that Khrushchev has given him a message for British Prime Minister Macmillan, which he will not disclose.

Disarmament

April 13—James Wadsworth, leading the U.S. delegation to the Geneva conference, suggests as a first step toward nuclear test banning an internationally controlled test ban in the lower atmosphere and under water.

April 20—President Eisenhower asks Soviet Premier Nikita S. Khrushchev to accept "on-site inspection" of treaty violations so that the Geneva Conference can succeed. His letter is made public today.

April 23—James J. Wadsworth asks the U.S.S.R. to revise her opposition to inspection for detecting illegal bomb tests.

April 25—Premier Khrushchev says Eisenhower's proposal for a limited test ban is "an unfair deal."

April 27—The Soviet delegate suggests that

Britain, the U.S. and the U.S.S.R. discuss agreement on the maximum number of inspections to be made annually checking on possible test ban violations. British Prime Minister Macmillan suggested this compromise during his February Moscow trip.

April 28—Soviet representative Semyon K. Tsarapkin says that if the delegates agree on a predetermined number of inspections yearly for possible ban violations, the Soviet demand for a veto will be dropped.

International Court of Justice

April 27—The International Court hears Belgian and Dutch claims to 35 disputed acres of land on their joint border.

Nato (See *Berlin Crisis.*)

Organization of American States

(See also *Panama.*)

April 8—A charter is completed for an inter-American bank for economic development in Latin America.

April 28—The Committee of Twenty-one of the American republics opens meetings in Buenos Aires to discuss economic progress.

The U.S. and 19 other American states offer to help Panama quell rebellion.

United Nations

April 2—U.N. Secretary General Dag Hammarskjold reveals that he has been "in touch with Cairo" because of United Arab Republic confiscations of Israeli goods on foreign-flag ships going through the Suez Canal.

April 13—Diplomatic sources reveal that Israel has been omitted from the invitation list for an African Freedom Day celebration.

April 15—It is revealed at U.N. headquarters that Dag Hammarskjold will greet the Big Four Foreign Ministers in Geneva when they convene to discuss the Berlin crisis.

April 16—United Nations Under Secretary for Special Political Affairs Ralph Bunche leaves for the U.A.R. and other nations of the area to talk about regional difficulties.

April 17—A committee of the U.N. refuses to consider the Soviet request for a definition of aggression.

Knud Larsen resigns as chairman of a conference on stateless persons as a protest because the conference has adopted a qualifying amendment offered by West Germany allowing a nation to retain in force its laws depriving a person of nationality even though the nation joins a convention forbidding member states from depriving a person of nationality "if such deprivation should render him stateless." Larsen claims that the qualifying amendment goes against the very aim of the conference on statelessness.

April 18—The conference on statelessness adjourns without success, after Larsen resumes the chairmanship.

April 21—The U.N. Economic and Social Council meeting in Mexico City postpones for later discussion a U.S.-sponsored resolution supporting freedom of the press and other information media.

Warsaw Pact Meeting

April 27—Foreign ministers from the Communist bloc meet in Warsaw to discuss the Geneva foreign ministers' conference, May 11, on Berlin.

April 28—The two-day conference closes.

April 29—It is reported that delegates to the Warsaw conference decided on a "moderate" and "flexible" stand for the Geneva talks. The conference's concluding communiqué has not been released.

West Europe

April 16—The European Coal and Steel Community votes 44 to 12 for general approval of the High Authority's "crisis plan" for dealing with the coal crisis. The resolution calls on the Community and the Governments to reach some agreement on common policy.

April 21—The 15-nation Council of Europe elects British Socialist John Edwards as president.

April 27—The Council of Europe asks member governments for a "declaration of intent" to set up a free trade association for Europe.

ARGENTINA

April 3—Police dispel rioting Communist and Peronist workers, who strike to protest the government's austerity program.

April 7—The Argentine government orders

the expulsion of Soviet Embassy Counsel Nikolai Belous on the charge that he was involved in the Communist-Peronist demonstrations.

April 11—The Soviet Union tells Argentina that it considers the expulsion of Belous and 3 other members of the Embassy staff an "unfriendly act."

April 27—A government decree makes the Communist party illegal.

BELGIUM

April 4—Foreign Ministry Secretary Louis Scheyven is appointed Ambassador to the U.S.

April 30—The Government wins a vote of confidence in the Chamber of Deputies on its policy for eventual self-government for the Belgian Congo.

BOLIVIA

April 1—The 50 per cent increase in commissary prices at Bolivia's tin mines is cancelled while negotiations to avoid the strike are being conducted.

April 19—Government troops quell a Falangist party uprising in La Paz.

BRITISH COMMONWEALTH, THE

Canada

April 1—A Cabinet order prohibits Canadians or legal residents of Canada to sponsor for immigration brothers, sisters, married sons or married daughters if they are residents of Israel, Lebanon, Europe, Mexico, Turkey, South or Central America. British subjects from Britain, Australia, New Zealand and South Africa, and citizens of France, Ireland and the U.S. are not affected.

April 8—A White Paper reveals a record peacetime budget deficit of some \$616.6 million.

April 9—Finance Minister Donald Fleming presents a budget to Parliament providing for increased income taxes, and increases in excise and sales taxes. Tariffs on imported foods will affect United States farmers and fruit growers.

April 13—Klaus Goldschlag of the External Affairs Department reveals that post-war foreign assistance totals some \$4,642,000,000.

April 15—It is revealed in Ottawa that under the Colombo Plan Canada will give India \$10 million in free wheat in the year ending July 31, 1959; Pakistan will receive \$2.5 million in wheat and flour; Ceylon will get \$1 million in flour.

April 25—The St. Lawrence Seaway opens for traffic. The 135-mile waterway will open officially June 26.

April 26—Fidel Castro is greeted as a hero in Montreal. (See also *Cuba*).

Ghana

April 4—Minister of Information Kofi Baako reveals that Ghana expects to change her constitution and become a republic within the Commonwealth after the visit of Queen Elizabeth in November, 1959.

April 15—The U.S. Kaiser Industries Corporation and the Ghana government sign a contract for work on the Volta River dam and hydroelectric plant.

April 23—Prime Minister Kwame Nkrumah arrives in Guinea for a 3-week state visit.

Great Britain

April 2—A spokesman for the Right-wing Union Movement says Sir Oswald Mosley will run for a Commons seat in the next general election.

April 4—It is announced that Field Marshal Montgomery plans a Moscow visit to talk about East-West tensions.

April 6—The Colonial Office reveals plans for offering the Protectorate of Brunei greater autonomy and a written constitution. Brunei, a British protectorate since 1888, is located in North Borneo.

April 7—According to the new budget, tax reductions are scheduled to total more than \$1 billion. Income, purchase, beer and other taxes are reduced. Total revenue for 1959-1960 is estimated at some \$14.910 billion; expenditures are figured at some \$14.624 billion.

April 13—Secret discussions on atomic energy uses for mutual defense open in London between British and American representatives.

April 15—Minister of Education Geoffrey Lloyd reveals that the Government plans to spend some \$151.2 million in a 3-year plan starting in 1961 to improve technical education.

April 20—Conservatives in Commons defeat a Labor motion of censure.

Churchill says he will again run for a Commons seat.

April 22—Speaking at a private Conservative party committee luncheon, Prime Minister Harold Macmillan leaves "a very strong impression" that there will be no general election this Spring. The Conservatives' term of office extends to May, 1960.

April 27—Colonial Secretary Alan Lennox-Boyd meets non-European members of Kenya's Legislative Council to discuss Kenya's request for racial equality and self-government.

India

April 9—The Parliament discusses the Government's proposal to cut back defense expenditures. Defense Minister V. K. Krishna Menon explains the \$50 million cut.

April 18—India and Pakistan agree on co-operative use of the Indus River and its main branches for irrigation, for a one-year period.

April 20—Prime Minister Jawaharlal Nehru says that the Tibetan Dalai Lama may follow religious activities but not political activity in India.

April 22—Nehru tells Parliament that he has complained to Communist China because of Chinese maps showing parts of India as Chinese but says the Chinese reply "was not very adequate."

April 27—Nehru criticizes the Chinese Communists for using "the language of the cold war" against India.

Malaya

April 15—Tengku Abdul Rahman resigns as Prime Minister to spend all his time campaigning for the first full parliamentary elections. Dato Abdul Razak bin Dato Hussein, Deputy Prime Minister, succeeds him.

Pakistan

April 2—Under terms of the Mutual Security Act, the U.S. reveals an agreement to give Pakistan 7 or 8 light bombers, as part of a program of military aid for Pakistan.

April 10—An Indian Air Force bomber is attacked and downed by Pakistani fighter planes over Pakistani air space.

April 11—Pakistan asserts that the Indian crew of the fallen plane admits to spying "to photograph certain military targets."

April 18—The Government dismisses the management of the *Pakistan Times* group of newspapers and takes control.

April 21—Indian Defense Minister V. K. Krishna Menon says Pakistan forced "coerced confession" from wounded Indian airmen.

South Africa

April 11—The House of Assembly in Capetown approves the university segregation bill with a vote of 100 to 55.

April 16—In a solemn protest against segregation in higher education, all classes are cancelled after 11 a.m. for a day at the University of the Witwatersrand.

April 20—Sixty-one persons indicted for treason are freed because of a court decision that the indictment was defective.

April 25—The state decides to appeal the court decision quashing the treason indictment against 61 persons.

April 26—1500 persons meet to hear the president general of the African National Congress speak in Capetown.

BRITISH EMPIRE, THE

Cyprus

April 6—A transitional committee of Greek and Turkish Cypriotes, the interim governing body, meets.

April 9—A new Right-wing movement, the United Democratic Reform Front (E.D.-M.A.), is formed to replace the National Organization of Cypriote Fighters.

April 17—After clashes with British police, eight Greek Cypriotes are imprisoned.

Malta

April 8—An interim Constitution published today gives effective governing power to the Executive Council, composed of the Governor, the chief secretary, the legal secretary, the financial secretary, and other members nominated by the Governor.

Singapore

April 18—Mayor Ong Eng Guan and 13 members of the City Council resign; all are members of the People's Action party

supporting closer ties with Communist China. As members of the City Council, these men could not have run for the Assembly in the elections of May 30. The contest for 52 Assembly seats signals the beginning of full internal self-government.

April 19—Dato Abdul Hamid bin Jumat is forced to resign as Minister for Local Government.

April 24—A new mayor is not appointed by the City Council because there is not a quorum of 17 voting. There will be no new mayor until after the May 30 elections.

BULGARIA

April 24—Ousted Trade Minister Boris Tashev is expelled from the Politbureau and the Communist party's Central Committee.

CHINA (Nationalist)

April 3—The Nationalist Chinese government (Taiwan) reports that Communist China did not fire on Quemoy on this odd-numbered day.

CHINA (The People's Republic. See also *International, Warsaw Pact.*)

April 23—A Lhasa broadcast announces that Communist Chinese troops have sealed off the Tibetan-Himalayan border (see also *Tibet.*)

April 27—Liu Shao-chi is elected by the National People's Congress to replace Mao Tse-tung as chief of state. Mao remains as Chairman of the Communist party.

April 28—The final session of the National People's Congress approves a new Cabinet and a budget designed to effect a 40 per cent increase in agricultural and industrial production.

COLOMBIA

April 2—Former President Gustavo Rojas Pinilla, convicted of violating the Constitution and improper use of his office, is penalized. He is prohibited from holding any other offices and loses his \$3000 monthly pension.

CUBA (See also *Panama.*)

April 12—American Alan Robert Nye, charged with plotting the assassination of

rebel leader Fidel Castro, is convicted by a Cuban court. The death penalty sentence is suspended and Nye is given 48 hours to leave the country.

April 15—Premier Fidel Castro arrives in Washington for an unofficial visit.

Some 15 persons are executed for committing war crimes.

April 17—Castro declares that his regime is not Communist and that his revolution was "humanistic."

CZECHOSLOVAKIA

April 15—The Czechs protest that French officials in Algeria have seized 581 tons of military supplies aboard a Czech freighter which they claim were destined for the Moroccan army. The French fear that the arms were being sent to the Algerian rebels.

FRANCE

April 9—It is reported that the U.S. has agreed to France's purchase of an intermediate range guided missile, the Regulus II, abandoned by the U.S. Navy last December.

April 12—It is announced that for the first time in over 10 years France's foreign reserve credits exceed her foreign expenses.

April 16—President Charles de Gaulle leaves for a 4-day tour of the country to win support for his stringent economic recovery program.

April 23—France lowers the discount rate, the third decrease in 6 months.

April 26—Indirect elections to the new French Senate are held. The 108,374 "grand electors" (deputies, departmental and municipal councilors and others) choose their senators according to old line and old party divisions. The Independents and Peasants hold the largest single bloc of seats, 85, of the 255 senate offices given to metropolitan France. Twelve other Senate seats abroad are also filled. Overseas elections to the remainder of the 307 seats in the Senate will be held in May.

April 28—By a vote of 235 to 15, the Senate elects Gaston Monnerville as president.

FRENCH OVERSEAS COMMUNITY, THE Algeria (See also *Czechoslovakia*.)

April 7—Algerian terrorists attack two police stations following police raids on Muslim neighborhoods in Paris.

April 12—The published reports of 35 Catholic priests serving with the French Army in Algeria reveal that the French Army tortures prisoners.

April 19—A wave of terrorism accompanies the beginning of municipal elections in Algeria. The nationalists are trying to frighten the voters to keep them away from the polls while the army is pressuring them to vote. Voting will continue throughout the week.

April 24—President de Gaulle commutes the death sentences of 30 convicted Algerian nationalists.

April 30—In a published interview it is reported that de Gaulle used the word integration to describe his policy of equal treatment of Algerians with continental Frenchmen. Heretofore the President has been reluctant to use this term.

Central African Republic

April 2—Finance Minister Abdel Goumba becomes Acting Premier following the death of Premier Barthelemy.

April 7—The results of the elections for the 50-man legislature in 3 of this republic's 4 constituencies are announced: former Premier Boganda's Movement of Social Evolution in Black Africa (the sole party) takes 36 seats.

Dahomey

April 5—Results of the elections held last week are announced: Premier Souru Migan Apithy's Dahomey Rally Party won 37 seats with 144,000 votes, because of the way the districts are gerrymandered. The opposition Democratic Union won only 11 seats with 172,000 votes.

April 6—French troops are flown into Dahomey from Niger because of the wave of unrest following the elections. Apithy leads the local branch of the Democratic Rally, which under Ivory Coast leader Felix Houphouet-Boigny, has won recent victories in Niger, the Voltaic Republics, and the Ivory Coast.

French Somaliland

April 21—It is announced that the candidate of the Union for the New Republic, Hassan Gouled, has been elected to represent Somaliland in the French National Assembly.

Ivory Coast Republic

April 17—The results of last Sunday's election are announced. The African Democratic Rally under the leadership of Felix Houphouët-Boigny wins all 100 seats in the Assembly.

Malgache Republic

April 28—The Constituent Assembly adopts a Constitution providing for a president as head of Malgache (Madagascar).

West African Federation of Mali

April 4—Sudanese leader Modibo Keita is named Premier of Mali.

April 5—The Senegal and Sudanese Republics' Federation of Mali announces its first 7-man Cabinet.

GERMANY, WEST (See also *International, Berlin Crisis*.)

April 7—Chancellor Konrad Adenauer agrees to accept the presidential nomination from his Christian Democratic Union party. Social Democrat Carlo Schmid is his opponent. The campaign will run through the summer and investiture will be September 15.

April 8—Adenauer affirms that there will be no alteration in West German foreign policy following his election to the presidency.

April 10—Minister of the Economy Ludwig Erhard, the leading contender to replace Adenauer as Chancellor, urges a "flexible" foreign policy.

GUINEA

April 15—Guinea's Ambassador to Paris declares that his country's acceptance of a Czech gift shipment of arms a month ago does not imply that Guinea is committed to the Communist bloc.

April 28—President Sekou Touré declares that he solicited arms from the U.S. before accepting those sent from Czechoslovakia without direct request.

April 30—The U.S. State Department asserts that it never received any communication expressing Guinea's desire to buy U.S. arms.

HAITI

April 2—The Development Loan Fund gives a \$4.3 million loan to assist an irrigation

and drainage project.

April 22—President Francois Duvalier names his new Cabinet.

HUNGARY

April 2—A partial amnesty brings freedom to imprisoned Zoltan Tildy, who was Minister of State in the fleeting revolutionary regime of 1956.

INDONESIA

April 11—It is reported that last week government troops routed rebel forces from the town of Toli, in Central Celebes.

April 22—President Sukarno addresses the Constituent Assembly to persuade them to re-adopt the 1945 Constitution, which gives greater power to the President and the armed forces.

April 26—President Sukarno stops in Turkey on the first lap of his 2-month world tour.

April 29—Sukarno arrives in Warsaw on an official visit.

April 30—The U.S. announces that it has agreed to sell Indonesia 50 older planes and 10 turbo-prop transports.

IRAN

April 26—It is revealed that Iran has charged the U.S.S.R. with violating her air space over northern Iran.

IRAQ

April 4—At a meeting of the Arab League called by the Sudan to discuss the rift in Iraqi-U.A.R. relations, the 6 nations present agree that Iraq's pro-Communist government may be a threat. Iraq, Jordan, Tunisia boycott the meeting, and Libya fails to attend. The 6 nations represented are the Sudan, the U.A.R., Saudi Arabia, Morocco, Lebanon, and Yemen.

April 6—The evacuation of the British air base begins. British soldiers are flown home.

April 7—It is reported over the Cairo radio that Kurdish tribesmen from Russia are being sent to northern Iraq to help Premier Abdul Karim Kassim quell a new revolt against his pro-Communist regime.

April 8—It is announced by the Army General Staff in Iraq that the civilian militia (the Popular Resistance Force) has been armed.

April 12—A Soviet delegation arrives in

Baghdad for the Iraqi Peace Partisans congress.

April 16—An Army informant reports that an Iraqi attack on a northeastern Syrian outpost was repulsed and 5 Iraqis were killed.

April 17—Kurds join a parade of Peace Partisans, who carry banners urging peace and friendship with the Soviet Union.

April 28—Director of the U.S. Central Intelligence Agency Allen W. Dulles tells the Senate Foreign Relations Committee that the situation in Iraq is "dangerous."

ISRAEL

April 28—It is reported that Israeli and Egyptian planes have clashed over southern Israel, near the same spot where 2 Arab infiltrators were killed yesterday.

ITALY

April 20—British Princess Margaret and Queen Mother Elizabeth arrive in Rome on a visit. It is announced that they will have an audience with Pope John during their stay.

Somalia

April 8—The U.N. Children's Fund agrees to allocate \$339,000 to ease an emergency famine.

JAPAN

April 10—Japanese Crown Prince Akihito and commoner Michiko Shoda are wed.

April 13—Foreign Minister Aichihiro Fujiyama and U.S. Ambassador Douglas MacArthur 2nd discuss the revision of the 7-year old treaty between Japan and the U.S.

April 23—State and local elections held throughout Japan endorse Premier Nobusuke Kishi's government and his pro-Western policies.

JORDAN

April 12—The U.S. announces that the Development Loan Fund has agreed to lend Jordan \$2.5 million.

April 14—King Hussein arrives in the U.S. for a visit.

April 15—Jordan receives a \$5.6 million grant-in-aid and a \$500,000 loan from the British government.

April 22—King Hussein, who left the U.S. for London, meets with British Prime Minister Macmillan.

KOREA, NORTH

April 13—Negotiations between the Japanese and North Korean Red Cross on the repatriation of Korean nationals from Japan are held.

KOREA, SOUTH

April 15—President Syngman Rhee declares that he will run for a fourth term.

LIBERIA

April 6—It is reported that Liberia has protested to the U.A.R. government over seizure of cargoes on ships flying the Liberian flag in the Suez Canal.

LIBYA

April 16—It is announced that the U.A.R. will supply arms to Libya.

MEXICO

April 3—The Soviet Embassy charges Mexico with committing an unfriendly act by expelling 2 Soviet diplomatic officials. Mexico accuses the ousted officials of being connected with last month's railroad strike.

April 6—Official reports state that the headquarters of the Communist party were raided last night.

MOROCCO

April 25—Premier Abdallah Ibrahim is expelled from the Istiqlal party for failing to prevent disorder. The expulsion followed the slaying of a high government and Istiqlal party official, Abdel Aziz Ben Driss.

NEPAL

April 6—Voting which began February 18 in Nepal's first general elections will end next week. Results announced today reveal that thus far the Nepali Congress (Social Democratic) party has received 64 of the 109 seats in the legislature.

April 21—Nepal charges the Communist Chinese with attacking Nepalese villages along the Tibetan frontier while pursuing Tibetan rebels.

April 24—The Soviet Union signs an economic pact to give Nepal 30 million rubles in aid.

NETHERLANDS

April 27—Catholic party member John E. de Quay withdraws after failing to form a Cabinet.

PANAMA

April 21—Dame Margot Fonteyn, British ballerina, is imprisoned by Panamanian police who are looking for her husband, Dr. Roberto Arias, suspected of promoting revolutionary elements.

April 23—Dame Margot is released and arrives in New York.

April 24—Dr. Arias is given asylum by the Brazilian Embassy in Panama.

April 27—The U.S. State Department announces that small military supplies are being sent to help Panama repel possible invaders.

April 28—Cuban Premier Fidel Castro regrets that Cubans were found participating in the recent plot against the Panamanian regime.

April 30—In response to an appeal from the Organization of American States, the U.S. is sending 2 navy patrol vessels to Panama. The Council of the O.A.S. asks all its member states to aid Panama in quelling any invasion.

PARAGUAY

April 28—President Alfredo Stroessner ends the state of siege which has been in effect for 12 years. Stroessner tells an opening session of the legislature that he plans to restore constitutional rule.

POLAND

April 18—It is reported from Warsaw that Communist party Secretary General Wladyslaw Gomulka's possible transfer to the premiership is being discussed.

RUMANIA

April 17—It is announced that Rumania has suggested that negotiations with the U.S. to settle war claims against each other be reopened.

SAUDI ARABIA

April 15—Premier and Foreign Minister Crown Prince Faisal takes charge of the defense ministry when the foreign minister resigns.

SPAIN

April 1—Generalissimo Francisco Franco celebrates the twentieth anniversary of his victory in the Spanish Civil War. Franco tells the people that they must guard against "lassitude and overconfidence" in

meeting the still present danger of communism.

April 8—Franco inaugurates the Yesa Dam, part of the largest European irrigation project. Some 648,000 acres of land will eventually be reclaimed at a cost of \$300 million. (mostly in U.S. aid).

TIBET

April 3—India's Prime Minister Jawaharlal Nehru announces that earlier this week the Tibetan spiritual ruler, the Dalai Lama, arrived safely in India. The Dalai Lama fled because of a rebellion last month between Tibetans and their Communist Chinese overlords.

April 9—It is reported that fighting between Tibetan rebels and the Chinese Communists has broken out anew in Tainghai province and the Sikang area, both in China. Rebels are also reported to have cut off the main supply route at Chamdo between China and the Tibetan capital of Lhasa.

April 14—The Panchen Lama, who has succeeded to the Dalai Lama's authority, arrives in Peking. The Panchen Lama, who is Tibet's second highest spiritual leader, denounces the Tibetan uprising.

April 18—The Dalai Lama states that he left Tibet voluntarily. He accuses the Chinese Communists of violating Tibet's autonomy over internal affairs.

Chinese Premier Chou En-lai declares that the Dalai Lama was forcibly removed from Tibet.

April 21—The Dalai Lama is given residence at Mussoorie in India.

TUNISIA

April 15—Tunisia and France sign an agreement whereby French technical aid is extended for another 18 months.

April 16—Tunisia protests that French guns in Algeria fired on a Tunisian village for 4 hours yesterday.

U.S.S.R., THE

April 3—U.S. Senator Warren G. Magnuson's office announces that Soviet aerial reconnaissance over the Bering Sea and the Pribilof Islands has increased. It is also reported by the Democratic Senator's office that it has checked with U.S. Admiral Arleigh A. Burke concerning Soviet fishing activities in this region, and that

the Admiral has stated that at least 50 Soviet trawlers and 14 other ships are active there.

April 14—Announcement is made that salaries of Soviet scientists will no longer depend on higher educational degrees but on personal "qualifications" and on their work.

April 17—Soviet Premier Nikita S. Khrushchev is 65.

A Soviet radio broadcast welcomes the proposed visit of U.S. Vice-President Richard Nixon in July.

April 19—A Soviet note delivered to Norway is published by Pravda. The note warns Norway that Nato bases on its territory will be "dangerous."

April 28—In a note to the Italian government, the Soviet Union warns Italy against permitting U.S. bases to be established on its soil.

UNITED ARAB REPUBLIC, THE (See *Iraq*.)

UNITED STATES

Agriculture

April 15—Voting 254 to 131, the House passes a Senate bill removing rural electrification loans from the control of the Secretary of Agriculture. The Senate passed the bill 60 to 27. A presidential veto is expected.

April 27—President Eisenhower vetoes the bill providing that control of rural electrification loans should remain in the hands of the Rural Electrification Administrator.

April 28—Voting 64 to 29, the Senate overrides the President, repassing the bill on rural electrification loans.

April 30—The House votes 280 to 146 to sustain the President's veto of the bill on rural electrification loans.

The Economy

April 7—The Department of Commerce reports that the total labor force rose 1.106 million in March; there were 387 thousand fewer unemployed. The job pick-up is about twice the seasonal expectation.

April 26—In the fourth quarter of 1958, the national income reached a record annual rate of \$374 billion, the Department of Commerce reveals. The national income for all 1958 is reported at \$360.8 billion, compared to \$364 billion for 1957.

Foreign Policy

April 10—The U.S. says that the International Cooperation Administration will lend \$1.76 million to Iceland for economic development.

April 12—The State Department announces the authorization of 4 loans, totaling \$14.1 million, to Jordan, Nigeria, Pakistan and Uruguay, for development projects.

April 13—Vice-President Richard Nixon suggests that future treaty disputes between nations should include clauses binding signatories to the International Court's interpretation of disagreements. The International Court of Justice is the most important judicial organ of the United Nations.

April 15—John Foster Dulles resigns as Secretary of State because of a recurrence of cancer.

April 16—It is revealed at the temporary White House that Nixon will fly to the U.S.S.R. in July.

April 18—Christian Herter is named Secretary of State.

April 21—The Senate unanimously confirms Herter's appointment in four hours and 13 minutes.

April 22—Christian Herter is sworn in as Secretary of State.

April 23—President Eisenhower commissions John Foster Dulles as Special Consultant to the President.

April 24—Christian Herter asks the chairman of the Senate Foreign Relations Committee, J. W. Fulbright, and the ranking minority member of the Committee, Alexander Wiley, to go to Geneva with him for the Foreign Ministers' Conference. Their response is said to be cool.

April 27—Herter leaves for Paris for a Western foreign ministers' conference, preparing for the East-West foreign ministers' meeting scheduled for May 11 at Geneva.

April 29—President Eisenhower tells a news conference that if a summer summit meeting should take place and should be lengthy, Vice-President Richard Nixon might take his place for a short time.

April 30—The President names Douglas Dillon as Under Secretary of State.

Controls on Canadian oil imports are lifted, effective June 1.

Government

(For information on labor legislation see

Labor, and on Rural Electrification see *Agriculture*.)

April 2—Maryland and Virginia sign a Potomac River treaty to end a 174-year-old oyster war between the states; ratification is still to come.

April 4—Maryland finally ratifies the Fourteenth Amendment.

April 5—Attorney General William P. Rogers tells federal prosecutors not to bring a case against a defendant previously tried in a state court for the same offense without consulting him.

April 8—The State Department reveals that Alger Hiss' request for a passport will be granted.

April 12—Secretary of State John Foster Dulles returns to Walter Reed Army Hospital for "observation."

April 14—The Census Bureau reports that the estimated population of the United States as of March 1 was 176,213,000, an increase of 1.8 per cent over March 1, 1958.

April 15—John Foster Dulles resigns as Secretary of State because of a recurrence of cancer. (For further information about the State Department see *Foreign Policy*.)

April 20—The Senate Judiciary Committee votes to approve the nomination of Justice Potter Stewart to the Supreme Court; an early Senate confirmation is expected.

April 28—Voting 79 to 11, the Senate confirms Clare Boothe Luce as Ambassador to Brazil. Mrs. Luce immediately attacks Senator Wayne Morse, who opposed her confirmation, as a man who has been "kicked in the head by a horse." Democratic opposition to the Luce appointment has focused on Mrs. Luce's intemperate language in the 1944 presidential campaign.

Henry Luce, husband of Clare Luce and editor-in-chief of *Time*, *Life* and *Fortune*, urges her to resign because of Senate criticism.

The Post Office Department asks Congress to discontinue the postal savings system.

April 29—President Eisenhower says that the difficulty between Mrs. Luce and the Senate has not impaired her usefulness;

her remark about Wayne Morse he terms "ill-advised" but "human."

Congress passes a bill giving increased pension and unemployment benefits to railroad workers.

Labor

April 8—A conference of unemployed in Washington criticizes Administration policy.

April 10—Twelve big steel producers suggest a one-year wage and benefit freeze; the United Steelworkers of America refuse the proposal.

April 13—The United Steelworkers of America asks the steel industry to freeze prices to guard "economic stability."

April 22—The Senate votes 47 to 46 to amend the Kennedy-Ervin labor reform bill, inserting a "bill of rights" for union members; the amendment is sponsored by Senator John L. McClellan.

April 24—Governor A. B. Chandler of Kentucky calls 2000 National Guardsmen into a struck coal mine area.

The Senate is asked to consider a substitute "bill of rights" labor bill amendment, offered by Republican Thomas H. Kuchel of California.

April 25—Voting 77 to 14, the Senate passes the Kennedy labor reform bill with Kuchel's compromise bill of rights amendment.

April 29—President Eisenhower says he is "very much disappointed" in the labor reform bill as modified by the Senate.

April 30—The United Steelworkers 171-member Wage Policy Committee asks for substantial wage and other increases.

Military Policy

April 3—The White House reveals that the President has ordered federal officials to study the problem of responsibility for protecting the public against radiation hazards.

April 7—The President names Major General Leonard D. Heaton as Surgeon General of the Army, replacing Major General Silas B. Hays.

April 9—The National Aeronautics and Space Administration selects seven men to train as space pilots for flights planned for 1961.

April 13—Discoverer II is launched into

polar orbit from California by the Air Force.

April 15—The Defense Department reveals that an instrument capsule from Discoverer II seems to have returned to earth in the Arctic and may be recoverable.

April 22—General George H. Decker is named Vice Chief of Staff of the Army.

April 28—Democratic Senator Stuart Symington says that the Administration is mistaken in its claim that intermediate range ballistic missiles are operationally ready in Britain.

April 30—An extension of the Distant Early Warning line is set in operation.

Secretary of Defense Neil H. McElroy reveals that the IRBM Thor missiles now in Britain are not operationally ready.

Politics

April 1—Meade Alcorn of Connecticut resigns as Republican National Chairman.

April 9—Massachusetts Senator John F. Kennedy says that he believes religion is a proper matter for debate in a political campaign. A Roman Catholic, Kennedy is mentioned as a candidate for the presidency on the Democratic ticket.

April 11—Kentucky's Senator Thruston B. Morton is elected Republican National Chairman. Chicago is picked for the 1960 Republican convention.

Segregation

April 6—At a news conference in Little Rock, Arkansas Governor Orval Faubus says it is possible that high schools in Little Rock might be opened with "token integration."

April 24—A special session on schools of the Virginia Legislature ends: the legislature adopts substantially the Perrow school study commission report, providing: that pupil placement will remain in the hands of the 30-member state board until March, 1960, after which date localities may substitute local pupil assignment plans; scholarships up to \$250 yearly financed by the state and the localities for pupils preferring private education; compulsory school attendance at the option of parents and local authorities; flexible school budgets, so funds for public education can be reduced if integration threatens.

April 25—Federal District Court Judge Caleb R. Layton 3rd orders the Delaware

State Board of Education to integrate races one grade a year throughout the state starting with the first grade in the fall of 1959.

April 27—Ruling 4-3, the State Supreme Court of Arkansas rules that school closings in Arkansas to avoid integration are not in violation of the state constitution or the Fourteenth Amendment, being a legal expression of the state's police power.

Supreme Court

April 20—The Supreme Court rules 5 to 4 that a state court may not award damages against a union for peaceful picketing because the Taft Hartley Act excludes state court jurisdiction even if the picketing is in violation of the federal law.

The Court rules 5 to 4 that a promise of a donation to a political party in return for help in securing a federal appointive job is in violation of federal law.

VATICAN, THE

April 13—The Sacred Congregation of the Holy Office, a department of the Vatican concerned with matters of morals and faith and which is headed by Pope John XXIII, prohibits Roman Catholics from voting for candidates or parties which are Communist or are associated with the Communist movement.

VENEZUELA

April 1—It is reported that 2 Venezuelan Communist leaders met with Communist China's party leader, Mao Tse-tung, in January.

April 8—The Minister of Mines announces that he has protested to the British over the lowering of oil prices by British concerns. The price drop will result in a \$180 million yearly revenue loss.

VIETNAM, SOUTH

April 28—It is announced that South Vietnam has decided to withdraw from the franc zone. Although it technically withdrew in 1955, South Vietnam has been conducting itself as a member.

YUGOSLAVIA

April 26—The 4-day meeting of the Trade Union Federation ends. The Federation urges increased "democratization" and participation by the masses in the unions.

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"... Our domestic housekeeping affects far more than our internal economic health. It affects our nation's security and the future of many peoples and nations, besides our own."—James P. Warburg, author of "The West in Crisis," in an address delivered March 20, 1959.

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